

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Cherokee County

Honorable R. Keith Kelly, Circuit Court Judge

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Jun 24 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ALLEN CHARRON WILLIAMS, JR.

APPELLANT.

APPELLATE CASE NO. 2019-000123

RECORD ON APPEAL

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2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS
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4)
5 THE STATE OF SOUTH) TRANSCRIPT OF RECORD
6 CAROLINA)
7 -vs-) 2017-GS-11-01483
8) 2017-GS-11-01484
9) 2017-GS-11-01485
10 ALLEN C. WILLIAMS, JR.,)
11) JANUARY 15, 2019
12) GAFFNEY, SOUTH CAROLINA
13)
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(VOLUME I)

B E F O R E:

THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

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CIRCUIT COURT REPORTER

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1 attention to the lawyers and to the witnesses and not miss
2 something in taking notes. Okay.

3 Anything from the State?

4 MR. KENDALL: No, sir, Your Honor.

5 THE COURT: From the defense?

6 MR. MOORE: No, sir, Your Honor.

7 THE COURT: We ready to go?

8 MR. KENDALL: Yes, sir.

9 THE COURT: Solicitor.

10 MR. KENDALL: Thank you, Your Honor.

11 May it please the court?

12 THE COURT: Yes, sir.

13 MR. KENDALL: Counsel.

14 Ladies and gentlemen of the jury.

15 Good afternoon, ladies and gentlemen, and thank
16 you for coming here today.

17 We are all here because the defendant, Allen
18 Williams, attempted to murder C.D. [REDACTED], W.D. [REDACTED]
19 [REDACTED] and Douglas Rising while they were riding in a pickup
20 truck around the neighborhood.

21 This crime took place on May 9th, 2017, ladies and
22 gentlemen, here in Cherokee County, on Evans Street. This
23 took place in the evening. Scott Rising and his two
24 stepsons were working on a truck. He was trying to get it
25 running. He was concerned they had some bad gas in the

1 truck. The gas in there had gone bad and he wanted to burn
2 it off, so they all got in the truck and basically drove
3 around the neighborhood. Just kind of driving around.
4 Scott was driving. W.D. was in the cab, and C.D. was in
5 the bed of the truck. This was their neighborhood, ladies
6 and gentlemen. They weren't going far from home and they
7 were just slowly riding around the neighborhood trying to
8 burn off some gas.

9 One of the roads they went down, ladies and
10 gentlemen, was Evans Street where Mr. Williams lived. This
11 was a small street on the edge of the neighborhood. It
12 wasn't any main road going through it, just a few houses, a
13 quiet street. The truck went past it multiple times, ladies
14 and gentlemen, as they were trying to burn off gas, and Mr.
15 Williams, who was in the area at that time started to get
16 nervous. He armed himself with a long gun and went to his
17 next door neighbor's home. While he was there he placed
18 bricks or rocks in the road, attempted to stop or slow down
19 the truck. Then his neighbor saw him run from their house
20 to behind it, which is where his house was located. And a
21 short time later as the truck pulled to the stop sign a shot
22 went off. C.D., the child who was in the back of the
23 truck, was shot. He had pellets in his chest, his torso,
24 and face, and jumped off the truck seeking shelter.
25 Frantically his father pulled him into the cab of the truck

1 and they were able to speed away. C.D. had to be taken to
2 Spartanburg where he underwent surgery to have the bullets
3 removed.

4 Now, at the end of this trial, ladies and
5 gentlemen, I'm going to ask you to return a verdict of
6 guilty, but right now I'm going to ask you to do three
7 things.

8 First, you listen carefully to the judge. He is
9 going to provide you with the instructions that assures this
10 is a fair trial.

11 Second, please listen to all the evidence that's
12 presented today in this case.

13 And finally, ladies and gentlemen, in this case
14 please use common sense. You will find it goes a long way.
15 Thank you.

16 THE COURT: Mr. Moore?

17 MR. MOORE: May it please the court?

18 THE COURT: Yes, sir.

19 MR. MOORE: Solicitor.

20 Ladies and gentlemen, my name is Travis Moore. I
21 know I introduced myself this morning. I represent Mr.
22 Williams, and as you heard from Mr. Kendall, this is a very
23 serious case.

24 You just heard the judge say a minute ago the
25 statements Mr. Kendall make and the statement that I make

1 are just our opinion or our perspective on the case. The
2 real evidence, the evidence that you have a duty to examine
3 and to weigh, will come through sworn testimony here on this
4 stand, through witnesses who will testify as to what
5 happened. Not from what I tell you or from what Mr. Kendall
6 tells you.

7 Now, you may have some preconceived notions on
8 what to expect from this trial and I know one of the things
9 that people are always concerned about at the very beginning
10 is how long is this going to last, how long is it going to
11 be. I would imagine it would probably last at least through
12 tomorrow, but I don't think it will be a really long trial,
13 but this will be a very important trial.

14 As the judge has already told you, you may have
15 some preconceived notions about what to expect from a
16 criminal trial or jury trial and those probably came from TV
17 shows and movies and things like that that you watch, but
18 those are for entertainment, and this today is not for
19 entertainment. It's not for your entertainment. It's not
20 for none of our entertainment. This is a very, very
21 important process.

22 As the judge told you, we have what's been called
23 one of the best justice systems in the world. I don't think
24 there is a perfect justice system, not at least in this
25 world, but most people would agree that what we have here in

1 America is the best. And the reason, one of the most
2 important reasons that it is, is because we have the
3 presumption of innocence. When we have an individual, like
4 Mr. Williams, or other individuals who probably are in
5 trials all around this country, we have an individual who
6 has been accused by the government of committing a crime and
7 that person says "I am innocent. I did not do this," then
8 that burden falls upon the government, the government with
9 all its resources, with all its officers, investigators, its
10 labs, its technology. The one that has all that has the
11 duty under our law to prove that individual is guilty to all
12 twelve of you unanimously beyond a reasonable doubt. They
13 have to make sure that each one of you is firmly convinced
14 that the defendant did what they say he did. And you have a
15 duty at the end that if you don't believe they have done
16 that, then you have the duty to find them not guilty,
17 because the burden is on them.

18 So what I would ask you to do is not much
19 different than what Mr. Kendall has asked you to do. Pay
20 attention to these witnesses. You get to decide what to
21 believe. You get to decide if you believe everything that
22 they say, part of what they say, or all of what they say, or
23 none of what they say. You determine their credibility.
24 You get to decide if their stories all seem to match up and
25 make sense or not. Ultimately you will decide, as the judge

1 said, what the facts are in this case, and it comes through
2 these witnesses.

3 We used to have a circuit judge in this circuit
4 who is retired now, but he used to say that service on a
5 jury was second only to military service in the importance
6 of this country. And having firsthand experience with both
7 of those, I'll tell you that it is, or maybe a tie, maybe
8 it's just as important, because that's what separates us
9 from other countries around the world, that we require
10 before we convict our citizens of criminal offenses.

11 I can't even really describe how important this
12 case is to the State, this case is to Mr. Williams, this
13 case is to us and our system of justice, so please pay
14 attention. Please use your common sense, and please be
15 firmly convinced of what you believe actually happened.
16 Thank you.

17 THE COURT: Solicitor.

18 MR. KENDALL: The State would call C.D. [REDACTED].

19 C.D. [REDACTED], having been first duly sworn,
20 testified as follows:

21 THE WITNESS: Yes.

22 THE COURT: C.D. [REDACTED], tell us your full name, please.

23 THE WITNESS: C.D. [REDACTED].

24 THE COURT: Thank you.

25 Solicitor.

1 DIRECT EXAMINATION BY MR. KENDALL:

2 Q. Good afternoon, C.D..

3 A. Good afternoon.

4 Q. C.D., where are you originally from?

5 A. Greenville, South Carolina.

6 Q. How old are you?

7 COURT REPORTER: Hold on a second.

8 BY MR. KENDALL:

9 Q. One of the things they are doing is they are making a
10 recording. The gentleman in front of you is making a
11 recording, so try to speak up as best you can. Don't worry.
12 Everybody, including myself, has ever sat on the stand needs
13 to adjust to that thing. It happens.

14 C.D., how old are you now?

15 A. I am eleven years old.

16 Q. What grade are you in?

17 A. 6th grade.

18 Q. Oaks. Do you remember where you were living back in
19 May of 2017?

20 A. Yes, we were living at [REDACTED] Craft Street in Gaffney.

21 Q. Okay. And who was living with you at that time?

22 A. My mom, my brother, my sister, my stepdad, and me.

23 Q. Okay. And what is your brother's name?

24 A. W.D. [REDACTED].

25 Q. Okay. And what about -- what was your stepfather at

1 that time's name?

2 A. Douglas Scott Rising.

3 Q. Okay. And do you remember what you were doing the
4 evening of May 9th, 2017?

5 A. We were fixing a truck that had bad gas in it.

6 Q. Okay. And how were you trying to fix it? What were
7 you guys doing?

8 A. We were driving around the neighborhood to burn off the
9 gas.

10 Q. Okay. And could you kind of describe the neighborhood
11 to me?

12 A. It was just -- I can't remember.

13 Q. Okay. All right.

14 And when you were riding around the neighborhood, who
15 was with you?

16 A. My brother and my stepdad.

17 Q. All right. And where was everybody in the vehicle?

18 A. My stepdad was driving in the cab, and my step -- my
19 brother was also in the cab, and I was in the bed of the
20 truck.

21 Q. Okay. So you were in the back of the truck at that
22 time, is that fair to say?

23 A. Yes, sir.

24 Q. Okay. I'm going to show you what is marked State's
25 Exhibit 1. Could you take a look at this? I know it's

1 small. Do you recall what that is?

2 A. That's the map of where we were driving around the
3 neighborhood.

4 Q. Okay. And is that a fair and accurate representation
5 of what it kind of looks like?

6 A. Yes, sir.

7 MR. KENDALL: Your Honor, we would offer State's
8 Exhibit 1 into evidence at this time.

9 MR. MOORE: Without objection, Your Honor.

10 THE COURT: Without objection, it's admitted.

11 (Whereupon, State's Exhibit No. 1 was entered into
12 the record as evidence)

13 BY MR. KENDALL:

14 Q. All right. I'm going to put --

15 If you want to take a second to just look at it real
16 quick. I'm going to put it up on the big screen and get you
17 to point things out with a laser.

18 If you take a look at it, sometimes it can be hard to
19 sort of read up there. All right?

20 Can you see that okay?

21 A. Yes, sir.

22 Q. If you want to, you can step down, if you would like,
23 if that will help you kind of see where some things are.

24 Now, C.D. [REDACTED], could you point out to us using this laser
25 pointer where you were living at that time?

1 A. We were living right there.

2 Q. Okay. And when you said that you were driving, what
3 route were you guys driving around the neighborhood?

4 A. We were driving down this road and then around like
5 that.

6 Q. Okay. And do you see Evans Street on that map?

7 A. Yes, it's right here.

8 Q. Okay. And did you guys drive down that road at all
9 while you were driving around?

10 A. Yes, sir.

11 Q. And did you drive -- how many times did you drive by
12 there? Was it once? Was it more than once?

13 A. It was about four times.

14 Q. Okay. So you drove down that little road about four
15 times?

16 A. Yes, sir.

17 Q. All right. I'm going to show you what is marked
18 State's Exhibit 2. Do you recognize this?

19 A. Yes, sir.

20 Q. What is that?

21 A. That is a house on the road that we had drove down on
22 Evans Street.

23 Q. On Evans Street?

24 Okay. Does that look like what Evans Street looks
25 like?

1 A. Yes, sir.

2 MR. KENDALL: All right. Your Honor, we would
3 offer State's Exhibit 2 into evidence.

4 MR. MOORE: Without objection, Your Honor.

5 THE COURT: State's 2 without objection.

6 (Whereupon, State's Exhibit No. 2 was entered into
7 the record as evidence)

8 MR. KENDALL: And publish to the jury, if I could.

9 BY MR. KENDALL:

10 Q. C.D. [REDACTED], could you describe Evans Street to me? Is Evans
11 Street a real busy hustling and bustling kind of street?

12 A. No, sir.

13 Q. How would you describe it?

14 A. It's very simple. It's just a connection between two
15 of the main roads with a couple houses down it. Like maybe
16 one car goes down it.

17 Q. Okay. So it's not a real high traffic area or anything
18 like that?

19 A. No, sir.

20 Q. Okay. And do you remember what county and state that
21 was located in?

22 A. It was in Cherokee County in South Carolina.

23 Q. Okay. And when you drove over -- or drive down Evans
24 Street, did you see a whole lot of people milling around
25 there, like downtown sometimes there's people walking up and

1 down the sidewalks. Did you see a whole lot of that
2 happening on Evans Street?

3 A. No, sir.

4 Q. Okay. And so the last time that you went down Evans
5 Street, what happened then?

6 A. I was shot.

7 Q. Okay. And could you please describe to the jury how
8 that happened, sort of what happened as you were going down
9 Evans Street?

10 A. So as we drove down the road the fourth time, we --
11 when we got to the end of the road somebody yelled "why
12 y'all keep driving by," and then my mom and my stepdad
13 stopped to tell them and then that's when we heard the
14 gunshot.

15 Q. Okay. And were you hit?

16 A. Yes, sir.

17 Q. Where were you hit?

18 A. I was hit in the face and the scalp and in the chest.

19 Q. Okay. And how did you respond?

20 A. I immediately jumped out of the back of the truck to
21 seek for cover.

22 Q. Okay. And what did you guys do after that?

23 A. My brother grabbed me and pulled me through the window
24 of the truck and then we went home.

25 Q. Okay. And from there where did you go?

1 A. We -- after we washed up my face at the house, we went
2 to the Gaffney hospital.

3 Q. Okay. And could you show me on the map where this
4 shooting occurred, approximately?

5 A. Right about there.

6 Q. Okay. All right.

7 Do you remember which direction you guys were going?

8 A. We were going from here down to this way.

9 Q. Okay. Okay. All right.

10 Where would the stop sign be you said -- that
11 you talked about?

12 A. What?

13 Q. I'm sorry, never mind.

14 A. What?

15 Q. That's okay.

16 Okay. So you were going from the top down to the
17 bottom, is that right?

18 A. Yes, sir.

19 Q. Okay. All right.

20 And when you went to the hospital, what happened then?

21 A. So they put us in the ER room and one of the doctors
22 was able to grab a pair of tweezers --

23 COURT REPORTER: Could you speak -- I'm sorry,
24 speak into the microphone a little bit.

25 THE WITNESS: I'm sorry.

1 COURT REPORTER: There you go.

2 A. One of the doctors grabbed -- was able to grab a pair
3 of tweezers and pull out one of the pellets from my chest.

4 BY MR. KENDALL:

5 Q. Okay. And did you just stay at the emergency room
6 here?

7 A. No, an ambulance came and took us down to the
8 Spartanburg Memorial.

9 Q. Okay. What happened there?

10 A. Then I was there for about a day and then I had to go
11 through surgery.

12 Q. Okay. I'm going to show you State's Exhibits 3 through
13 8.

14 I'm going to show you what is marked State's Exhibits 3
15 through 8. Can you take a look at those, please?

16 A. (Witness examining photos).

17 Q. And what are those pictures of?

18 A. Those are -- excuse me, those are pictures of me after
19 the gunshot --

20 Q. Okay.

21 A. -- in the hospital.

22 Q. And where were you shot? Could you just show the jury
23 where you were shot?

24 A. I was shot right here in the cheek, and then right
25 above my eye, and a little one right here on my eye. There

1 was one in my right ear. And I was shot in the knuckle --
2 well, in the finger, rather, right here, and on my pinky.

3 Q. Okay. What about in your torso or chest? Any shots
4 there?

5 A. I was shot twice near the bottom of the stomach, and
6 then once up here further up, and then on the other side of
7 my chest.

8 Q. Okay. So the bullets hit you -- or the pellets hit you
9 in the face and in the torso, is that fair to say?

10 A. Yes, sir.

11 Q. Okay.

12 MR. KENDALL: Your Honor, we would offer State's
13 Exhibit 3 through 8 into evidence at this time.

14 MR. MOORE: Without objection, Your Honor.

15 THE COURT: No. 3 through 8 from the State without
16 objection.

17 (Whereupon, State's Exhibit No. 3 was entered into
18 the record as evidence).

19 (Whereupon, State's Exhibit No. 4 was entered into
20 the record as evidence).

21 (Whereupon, State's Exhibit No. 5 was entered into
22 the record as evidence).

23 (Whereupon, State's Exhibit No. 6 was entered into
24 the record as evidence).

25 (Whereupon, State's Exhibit No. 7 was entered into

1 the record as evidence).

2 (Whereupon, State's Exhibit No. 8 was entered into
3 the record as evidence)

4 MR. KENDALL: We request permission to publish at
5 this time.

6 THE COURT: Yes, sir.

7 MR. KENDALL: If I could, Your Honor, just pass
8 them around to the jury. It's not picking up the detail on
9 these copies. If I could just pass them around.

10 THE COURT: Yes, sir.

11 BY MR. KENDALL:

12 Q. Just to clarify one thing. When y'all --

13 Right before you got shot, kind of what happened?

14 Right before the shooting, right before the shooting
15 actually happened, before you heard the shot, what happened
16 as you were driving down Evans Street that last time?

17 A. Some lady yelled "why do y'all keep driving by," and
18 then we got to the end of the road we had stopped to back up
19 and tell her.

20 Q. Okay. Did you ever have any conversation with her or
21 anything like that, or did --

22 A. No, sir.

23 Q. Okay. So somebody called out kind of what you are
24 doing and he slowed down and it's at that point the shooting
25 happened?

1 A. Yes, sir.

2 Q. Please answer any questions that Mr. Moore has for you
3 okay.

4 CROSS EXAMINATION BY MR. MOORE:

5 Q. Good afternoon, C.D. .

6 A. Good afternoon.

7 Q. You are doing a really great job testifying.

8 A. Thank you.

9 Q. I imagine -- I don't know if you are nervous or not,
10 but you don't act like it and you're doing a great job
11 answering questions.

12 And also it's really brave of you not just to testify,
13 but to have made it through what you made it through.

14 A. Thank you.

15 Q. And I only have just a few questions and they should be
16 real quick, okay?

17 A. (Shaking head yes).

18 Q. The first question I have was you just told Mr. Kendall
19 that it was on your last time of four trips, maybe it was on
20 the last time that you heard a lady yell "why y'all keep
21 driving around," is that correct?

22 A. Yes, sir.

23 Q. So it was a female?

24 A. Yes, sir.

25 Q. Did you see anybody else besides her?

1 A. No, sir.

2 Q. Did you see anybody with a gun?

3 A. No, sir.

4 Q. Did you see any rocks or anything in the road?

5 A. No, sir.

6 Q. And I believe you just testified that once this
7 happened -- and I know that you had to be like super scared,
8 but once this happened y'all didn't go straight to the
9 hospital? You went to your home first?

10 A. Yes, sir.

11 Q. And what did y'all do there?

12 A. We had cleaned off the wounds and kind of got a rag to
13 keep it from bleeding more.

14 Q. Okay. So y'all went there and kind of cleaned up first
15 and went straight to the Gaffney, like urgent care or
16 something?

17 A. Yes, sir.

18 Q. Okay. And then it was from there that they told you
19 that -- you went by ambulance to Spartanburg?

20 A. Yes, sir.

21 Q. And I don't want to try to drag all this back up. I
22 know it's hard to miss school and come here for this, but at
23 any point during all that you didn't -- you didn't lose
24 consciousness or anything, did you?

25 A. I passed out in the ambulance.

1 Q. Okay. And when you got to the hospital were you able
2 to talk to the nurses and doctors and stuff?

3 A. Yes, sir.

4 Q. And you are doing well in school?

5 A. Yes, sir.

6 Q. Good. I'm glad.

7 That's all the questions that I have. Thank you for
8 answering them.

9 A. Thank you.

10 THE COURT: Anything at all as to that?

11 MR. KENDALL: Just real, real quickly.

12 REDIRECT EXAMINATION BY MR. KENDALL:

13 Q. You said there was a lady standing outside there and
14 you didn't see anyone else. Did she anybody with her?

15 A. She had a baby and a toddler.

16 Q. Okay. So there were a couple other ones that were
17 little kids and stuff like that?

18 A. Yes, sir.

19 MR. KENDALL: Nothing further, Your Honor.

20 THE COURT: Anything at all?

21 MR. MOORE: Nothing from the defense, Your Honor.

22 THE COURT: Sir, you may step down. Please be
23 careful. Thank you.

24 MR. KENDALL: May he be excused, Your Honor?

25 THE COURT: Any objection?

1 MR. MOORE: No objection, Your Honor.

2 THE COURT: He may stay or go, whichever.

3 MR. KENDALL: At this time the State would call

4 W.D. [REDACTED].

5 [REDACTED] W.D. [REDACTED], having been first duly
6 sworn, testified as follows:

7 THE WITNESS: Yes, ma'am.

8 THE COURT: Sir, tell us your full name and spell
9 your last name, please.

10 THE WITNESS: W.D. [REDACTED] [REDACTED]

11 THE COURT: Thank you.

12 Solicitor.

13 DIRECT EXAMINATION BY MR. KENDALL:

14 Q. Mr. W.D. [REDACTED], where are you from?

15 A. I'm originally from North Carolina.

16 Q. All right. And where do you currently reside?

17 A. Taylors.

18 Q. And do you remember where you were living back in May,
19 May 9th of 2017?

20 A. [REDACTED] Craft Street in Gaffney.

21 Q. And who were you living with at that time?

22 A. I was living with my mom, my brother, my step-sister,
23 my sister and my stepdad.

24 Q. And who was your brother? What brother?

25 A. C.D. [REDACTED].

1 Q. C.D., who just testified?

2 A. Yeah.

3 Q. And who was your stepfather?

4 A. Scott.

5 Q. Scott.

6 And is that Douglas Scott Rising?

7 A. Yes, sir.

8 Q. And could you tell me what you guys were doing on
9 May 9th?

10 A. We was working on a Toyota pickup because my
11 transmission went out in my other truck, so I was trying to
12 get it running.

13 Q. And what did y'all think was wrong with it at that
14 time?

15 A. We gave it a good tune-up. It kept skipping, so we
16 figured it was bad gas, so we was going to take it around.

17 Q. All right. So what did y'all do to kind of fix that?

18 A. We was just driving around the neighborhood.

19 Q. All right. And what's the neighborhood like?

20 A. It's quiet for the most part.

21 Q. Okay. Is it big through traffic or anything like that
22 where y'all are?

23 A. No.

24 Q. So it's not like a major street area or anything like
25 that?

1 A. No, sir.

2 Q. Did the truck have plates or anything like that on it?

3 A. No.

4 Q. All right. So did you just stay off the main road?

5 A. Yes.

6 Q. How long did y'all -- or where did y'all go as you were
7 driving around?

8 A. Just through our little cut-throughs in the
9 neighborhood.

10 Q. All right. Did y'all go down Evans Street at any
11 point?

12 A. Yes, sir.

13 Q. All right. And do you remember about how many times
14 y'all went down Evans Street?

15 A. About four or five.

16 Q. Okay. And could you describe Evans Street to the jury?

17 A. It's just a little cut-through. Really it's just
18 houses there and --

19 Q. Okay. Are there a lot of houses, like a whole bunch of
20 them, or just a couple, or --

21 A. I believe there is four on the back side and there is
22 three on the other side, if I remember correctly.

23 Q. All right. And the ones that are on the back side of
24 it --

25 All right. I'll show you State's Exhibit 1 here. I

1 don't know if you want to take a look at this. If you will
2 just take a look at it here. If you will take a look at
3 that real fast.

4 A. (Witness examining document).

5 Q. How were the houses that are on the kind of back side
6 of Evans Street, the far side, how are they sort of
7 situated?

8 A. They are kind of like facing out to the road.

9 Q. Okay. So they kind of a -- is it fair to say that
10 Evans Street is sort of a through between two bigger roads,
11 is that fair to say?

12 A. You got like your main road of the neighborhood and
13 it's kind of a cut-through.

14 Q. Okay. Would you mind showing us? I'll get the laser
15 pointer here.

16 Could you sort of show me where Evans Street is and
17 then kind of where the other roads are?

18 A. Evans Street is right here. And to get to it, it's
19 either this road or this road right here.

20 Q. Okay. And so there is a couple houses that's sort of
21 on the corner of Evans Street and those two major bigger
22 roads, is that fair to say?

23 A. Uh-huh.

24 Q. Okay. One in the middle, or at least one in the
25 middle?

1 A. That right there?

2 Q. Over one more. I know it's hard to see.

3 I'll let you take a look at it.

4 So how many on that back side of Evans?

5 A. It's about four houses right there on the back side of
6 it.

7 Q. Okay. All right.

8 And those kind of around the corner of those other two
9 bigger roads as well?

10 A. Yes, sir.

11 Q. That's all I was trying to get to.

12 And y'all drove down there you said about four or five
13 times, or so. What happens on the last time that you were
14 down there?

15 A. We was going through Evans Street, you know. A
16 woman -- a woman's house right there on the corner. She was
17 out there with her kids and she hollered out, you know, "why
18 y'all keep driving down?"

19 Scott hollered out "trying to work on my truck."

20 We got down -- we was going to take a left off of Evans
21 Street and he started backing up, so I don't know if she
22 just wanted to make sure she heard us, you know, because she
23 had some kids out.

24 Q. Okay. What happened after that?

25 A. He put it in reverse and was about to turn around and

1 we heard a gun go off, and I notice C.D. jumped out the
2 back and I just pulled him in the truck.

3 Q. Okay. So now -- sorry, this is a small drawing.

4 And you're -- if it's all right with the judge, you are
5 welcome to step down if that helps see a little bit better,
6 if that's all right with Your Honor.

7 THE COURT: You can step down. Step right over
8 close to my court reporter so he can hear you, please.

9 (Witness off the witness stand).

10 BY MR. KENDALL:

11 Q. I'll get that laser pointer.

12 All right. So on that last -- on that last trip could
13 you sort of show us where y'all were going?

14 A. The last trip, we was coming down through here. Well,
15 it's right here he starts making another loop. We go back
16 up to this road and come back down.

17 Q. All right. And when you pulled down Evans Street,
18 which direction were you going?

19 A. We was going right there.

20 Q. All right. And where did the lady yell to you, the
21 lady with the kids?

22 A. She was in this house right here.

23 Q. All right. And was she all the way out in the road or
24 kind of yelling from the house? Do you remember?

25 A. Yelling from the porch.

1 Q. Okay. All right.

2 And the porch is -- how far off the road is that porch?

3 A. It's right here --

4 Q. Okay.

5 A. -- is where the porch is. It's right there on the
6 corner.

7 Q. All right. And where were y'all --

8 So when you made that left, I guess, onto Evans, you
9 heard her yell. Now, where were y'all when the gunshots
10 started, happened?

11 A. We was right here.

12 Q. All right. So you guys were all the way to the far end
13 of Evans Street when somebody actually shot?

14 A. Yes, sir.

15 Q. Okay. All right.

16 (Witness back on the witness stand).

17 BY MR. KENDALL:

18 Q. And what did you do after that? Once the shooting
19 happened, what did you do after that?

20 A. C.D. jumped out of the side of the truck and I saw he
21 had blood on him and so I pulled him inside the truck and
22 laid on the top of him until we got to the house.

23 Q. Okay. All right.

24 Did you see a whole lot of other people or anything
25 milling around out there that night, wandering around with a

1 whole bunch of other folks? Did you see them with a gun
2 ever?

3 A. No, I did not see a gun.

4 I did see a man walking down the road when we was --
5 right before we got to Evans.

6 Q. Okay. So before you turned down Evans Street?

7 A. Yeah.

8 Q. Okay. But you didn't see anybody, once you got on
9 Evans Street --

10 A. No.

11 Q. -- walking around, or a whole bunch of people, or
12 anything like that?

13 A. No, sir.

14 Q. Is it fair to say Evans Street was a pretty quiet
15 street?

16 A. Yes, sir.

17 Q. Please answer any questions that Mr. Moore may have.

18 CROSS EXAMINATION BY MR. MOORE:

19 Q. Good afternoon, Mr. W.D. [REDACTED].

20 What name do you go by?

21 A. W.D. [REDACTED].

22 Q. W.D. [REDACTED], okay.

23 Just to clarify a couple of things.

24 Now, you just said that you saw a man walking down the
25 street?

1 A. Yes.

2 Q. But that wasn't in the vicinity of where the gunshot
3 was?

4 A. It was right -- kind of right toward our house, right
5 there on the corner before you take -- you come down that
6 road and that's where Evans Street is right here.

7 MR. MOORE: May I approach the witness, Your
8 Honor?

9 THE COURT: Sure.

10 BY MR. MOORE:

11 Q. Let me give you this back, just to make sure I
12 understand about this other person and where they were.

13 A. He was about right in this vicinity --

14 Q. Okay.

15 A. -- going past him.

16 Q. And that was before a gunshot?

17 A. Yeah.

18 Q. And the gunshot, can you show us that vicinity again?

19 A. We was down here.

20 Q. Okay. So other than the woman on the corner house
21 yelling, you didn't -- and the man up there at the top, you
22 didn't see anybody else?

23 A. No, sir.

24 Q. Okay. You never saw a gun?

25 A. Uh-uh.

1 Q. Okay. That's a no?

2 A. Yes, sir.

3 Q. Okay. And who was with this lady on her porch?

4 A. Her two kids.

5 Q. Two kids.

6 Approximately do you know what their age might have
7 been?

8 A. No.

9 Q. I think, and it may have just been a slip-up, there was
10 some use of the word gunshot and shots. Was there multiple
11 shots, or one shot?

12 A. Just one.

13 Q. And you heard one shot?

14 A. Yes, sir.

15 Q. Okay. And did you have any physical injuries from that
16 shot?

17 A. No, sir.

18 Q. Are you aware of whether or not the driver had any
19 physical injuries from that shot?

20 A. I cannot recall.

21 Q. Okay.

22 MR. MOORE: Beg the court's indulgence just for
23 one moment, Your Honor.

24 THE COURT: Yes, sir.

25 (Off the record).

1 (Back on the record).

2 BY MR. MOORE:

3 Q. One more question.

4 Do you recall there being any rocks or obstacles in the
5 road that you were driving over?

6 A. No, sir.

7 Q. Nothing in the road?

8 A. Uh-uh.

9 Q. Okay. Thank you.

10 MR. MOORE: That's all the questions that I have,
11 Your Honor.

12 THE COURT: Anything at all?

13 MR. KENDALL: Just very quickly, Your Honor.

14 REDIRECT EXAMINATION BY MR. KENDALL:

15 Q. So y'all were inside of the cab of the truck that got
16 shot at, correct?

17 A. Yes.

18 Q. Okay. With the exception of C.D. [REDACTED], who was in the
19 back, is that fair to say?

20 A. Yes, sir.

21 MR. KENDALL: Nothing further, Your Honor.

22 THE COURT: Anything at all as to those two
23 questions?

24 MR. MOORE: No, sir, Your Honor.

25 THE COURT: Sir, you may step down. Please be

1 careful.

2 MR. KENDALL: Your Honor, may he be excused?

3 MR. MOORE: No objection, Your Honor.

4 THE COURT: He's excused. You may stay or go,
5 sir, whichever you choose.

6 MR. KENDALL: Your Honor, the State would call
7 Christa Woodie at this time.

8 THE COURT: Okay.

9 (Off the record).

10 (Back on the record)

11 MR. KENDALL: Your Honor, we actually are going to
12 be calling Sierra McKinney.

13 SIERRA MCKINNEY, having been first duly sworn,
14 testified as follows:

15 THE WITNESS: Yes.

16 THE COURT: Ma'am, tell us your name and spell
17 your last name, please.

18 THE WITNESS: Sierra McKinney, M-C-K-I-N-N-E-Y.

19 THE COURT: Thank you. Please answer any
20 questions.

21 DIRECT EXAMINATION BY MR. KENDALL:

22 Q. Thank you for coming, Ms. McKinney.

23 Where are you from?

24 A. Gaffney.

25 Q. All right. And how long have you lived here in

1 Cherokee County?

2 A. My whole life.

3 Q. Okay. And do you know the defendant Allen Williams?

4 A. I do.

5 Q. All right. And how do you know him?

6 A. We lived in the same area.

7 Q. Okay. And where does he live, or where does he live in
8 relation to you?

9 A. He lived behind me, like my old house.

10 Q. Okay. And back in 2017, do you remember where that
11 was?

12 A. Yeah.

13 Q. Where was that?

14 A. I lived on Rita Street.

15 Q. Okay. I'm going to show you a map here. Look at it.
16 It's pretty small.

17 All right. The writing is pretty small, but we are
18 going to use the laser and point it out to show the jury.

19 Do you want to take a look at that real fast?

20 A. Yeah.

21 Q. Do you recognize the area and everything?

22 A. Uh-huh.

23 Q. Do you remember where you lived and where --

24 A. Right there in that house.

25 Q. Okay. All right.

1 And where Mr. Williams lives?

2 A. Right there behind me.

3 Q. Okay. All right.

4 Let's put it up on the big screen here.

5 If you could, just take this pointer and I'm going to
6 ask you to show us where your house was and where his house
7 was, all right?

8 A. Okay.

9 Q. All right. Now, back in May of 2017, do you remember
10 where you were living?

11 A. Yes.

12 Q. Could you use that laser and point out where it is?

13 A. Right there in that house.

14 Q. Okay. And which way does that house face?

15 A. Towards the road right there.

16 Q. Okay. So it was facing Rita Street --

17 A. Yes.

18 Q. -- is that fair to say?

19 A. Yes.

20 Q. All right. And where was Mr. Williams living at that
21 time?

22 A. Right there behind me.

23 Q. Okay. At that [REDACTED] Evans Street?

24 A. Yeah.

25 Q. Okay. And which way did that house face?

1 A. Towards that way.

2 Q. Okay. So he kind of lived behind you, but also kind of
3 next to you, is that fair to say?

4 A. Yeah.

5 Q. Okay.

6 A. He lived behind me and I lived beside him.

7 Q. Okay. All right.

8 And how long had you known him before all this
9 happened?

10 A. Since 2012.

11 Q. Okay. Do you see him in the courtroom?

12 A. Yes.

13 Q. Could you point him out, please?

14 A. He's right there.

15 Q. Okay. And is that the individual that lived beside you
16 in May of 2017?

17 A. Yeah.

18 Q. All right. And on May 9th of that evening, do you
19 remember what you were doing that night?

20 A. I think we were sitting on the porch --

21 Q. Okay.

22 A. -- in the dark.

23 Q. Who was there with you?

24 A. My sister and my brother-in-law.

25 Q. And what's your sister's name?

1 A. Christa Hall.

2 Q. Was she Christa Woodie back then?

3 A. Yeah.

4 Q. All right. And what about her I guess now husband?
5 What was his name?

6 A. Blake Hall. Well, it's Kenneth Hall.

7 Q. Okay. All right.

8 And did you see anything out of the ordinary that night
9 traffic-wise?

10 A. No, just a truck kept riding around the block over and
11 over and over.

12 Q. Okay. Was that sort of out of the ordinary?

13 A. Yeah.

14 Q. And what was that -- where y'all were living on Evans
15 Street Rita Street corner, was that typically a busy area?
16 Was that something that happened, like you got a whole lot
17 of traffic going through there?

18 A. No.

19 Q. Okay. And so it was out of the ordinary the same truck
20 came running by?

21 A. Yeah.

22 Q. All right. And did you see Mr. Williams that night?

23 A. Yes.

24 Q. How did he appear?

25 A. He was aggravated, that he thought -- we all thought

1 that maybe it was someone trying to start trouble.

2 Q. Okay. Did he appear to be aggravated?

3 A. Yeah.

4 Q. Okay. Was he calm, or was he kind of nervous, or
5 anything?

6 A. It's really hard to remember. It happened so long ago.

7 Q. Okay. If you don't remember, it's okay to say you
8 don't remember, but he looked aggravated?

9 A. Yeah, I guess so.

10 Q. Okay. Did he appear to be worried about the truck?

11 A. Yeah. I think we all were.

12 Q. Okay. And how did he react when the truck came by?
13 Did he stay at his house? Did he come by your house?

14 A. We were all trying to figure out what was going on. He
15 come up on the left side of my house and went into the woods
16 in front of my --

17 Q. Where would the left side be on the map?

18 A. Oh, I can't see it good from here.

19 This side, the left side, and then there is woods right
20 there in front of my house.

21 Q. Okay. All right.

22 And did he have anything with him?

23 A. It was -- it was a long gun.

24 Q. A what?

25 A. A long gun.

1 Q. Okay. So not like a pistol? Like a big gun, or a
2 shotgun, or a rifle, or something like that?

3 A. Yes.

4 Q. Okay. And was he doing anything while he was up there?

5 A. Just trying to figure out what was going on and the
6 bricks were put in the road.

7 Q. Okay. Who put them there?

8 A. He did.

9 Q. All right. When you say bricks were put in the road,
10 are we talking about --

11 A. It's hard to remember a lot.

12 Q. Are we talking like a giant wall were put in the road?

13 A. It was just broke up bricks in the road.

14 Q. So he was putting broken down bricks in the road?

15 A. Yeah, because it looked like the people that were
16 riding by were starting trouble. He -- I mean, they wasn't.
17 It did look like it.

18 Q. Okay. And so he went and got a gun and then put bricks
19 in the road?

20 A. I don't know if he had the gun when he did it, or --
21 but I remember seeing him. He come to the side of my house
22 with the gun.

23 Q. Okay. So at some point he came by your house with a
24 gun?

25 A. Yeah.

1 Q. This was a long gun? This wasn't like a pistol or
2 something like that?

3 A. No.

4 Q. And where did he go next? That last time you saw him
5 with the long gun, what happened after that?

6 A. The last time I seen him was that he went back behind
7 my house towards his.

8 Q. Okay.

9 A. And then I didn't see him any more after that.

10 Q. Did you hear anything after that?

11 A. We heard a loud boom, but --

12 Q. A gunshot?

13 A. Yeah.

14 Q. Okay. How long after that that he left the gunshot go
15 off? Was it like hours later, or we talking about --

16 A. It may have been like ten or fifteen minutes, maybe.
17 Well, not that long, but --

18 Q. Okay. So was it pretty short --

19 A. Yeah.

20 Q. -- from when he ran behind your house when the gunshot
21 went off?

22 A. Yeah.

23 Q. Okay. Did you see anyone else out there that night
24 with a gun?

25 A. Not with a gun.

1 Q. Okay. Did you see anyone else putting bricks or rocks
2 in the roads, or anything like that?

3 A. No.

4 Q. Okay. So when you saw him, to just kind of summarize,
5 he appeared to be aggravated?

6 A. Yeah.

7 Q. He was putting something in the road? It wasn't like a
8 giant pile or anything like that?

9 A. No.

10 Q. And then you saw him with a gun?

11 A. Yes.

12 Q. And a short time later you heard the shot --

13 A. Yes.

14 Q. -- is that fair to say?

15 A. Yes.

16 Q. And just -- and --

17 Please answer any questions Mr. Moore may have, okay?

18 A. Okay.

19 MR. KENDALL: Your Honor, may I approach real
20 fast? I actually have something.

21 THE COURT: Yeah.

22 MR. KENDALL: Yes, Your Honor, can we approach
23 real fast?

24 (Whereupon, the lawyers approached the bench for
25 an off-the-record discussion)

1 THE COURT: Madam Forelady, ladies and gentlemen
2 of the jury, the lawyers have asked me for a short break and
3 we were about fifteen minutes from a break, because I
4 promised you we would stop about every ninety minutes, so we
5 are going to be fifteen minutes early, but we are going to
6 go ahead and stop at this time. This will be the afternoon
7 break.

8 Please refresh yourselves. Water, coffee,
9 whatever you might need is available. The restrooms are
10 back there for you.

11 Is there anyone who -- let me ask this now before
12 I ask. Is anyone on the jury a smoker? Do I have anyone
13 who needs to go outside to smoke?

14 I wish you would quit. It's personal to me. It
15 killed my sister at forty-eight years of age, but,
16 nonetheless, if you desire to go out and smoke, now would be
17 the time to do that, but understand the reason I asked that
18 is you will have to be escorted out to the smoking area.
19 There is no smoking in the building and someone would have
20 to remain with you. That's one of our bailiffs or someone,
21 until we bring you back in. That's not so that you don't
22 run away. It's so no one might try to approach you and
23 influence you in any way whatsoever, but they will arrange
24 that during this time, so this is the time to do that, if
25 you need to.

1 With that please do not talk about the case.
2 Don't think about the case. Actually you are at work and
3 now you are on break, so the last thing that you want to do
4 is be thinking about work. Just enjoy yourself for a few
5 minutes and we will resume the testimony. Don't discuss the
6 case. Don't decide the case. It's not over. It's just
7 getting started.

8 Madam Forelady, when we return -- ma'am, I forgot
9 to tell you earlier. The reason you are sitting there is
10 you are in the foreperson's seat. I would ask that you
11 remain in that seat during the trial of the case so that
12 when I look up I know exactly where my foreperson is.

13 Everyone else is free to move around. So you can
14 sit in the seat you are now. You can move left or right.
15 You can move to the rear, in front. It matters not to me.
16 Anywhere, what you want to do is fine with me.

17 Ma'am, if you will take the jury out.

18 (The following takes place outside the presence of
19 the jury panel)

20 THE COURT: Ma'am, I'm going to allow you to get
21 off the stand so that you may refresh yourself. The
22 restrooms are available, water, what have you you might
23 need, but you cannot talk to anyone during the break. Okay?

24 THE WITNESS: Okay.

25 THE COURT: And when we resume, I need for you to

1 come back to the witness stand, okay?

2 THE WITNESS: Okay.

3 THE COURT: You may step down. You need some
4 help?

5 THE WITNESS: No, I don't.

6 THE COURT: I'll lay it right here.

7 Please be careful.

8 THE WITNESS: Okay.

9 THE COURT: Thank you.

10 Okay. We will take fifteen minutes and thank you
11 for bringing that to my attention, Mr. Kendall.

12 (Whereupon, proceedings were recessed)

13 (Whereupon, proceedings were reconvened)

14 THE COURT: Everybody ready?

15 MR. KENDALL: Yes, sir.

16 THE COURT: We will have the jury.

17 (The following takes place in the presence of the
18 jury panel)

19 THE COURT: Madam Forelady, everybody ready to go?

20 JURY FOREPERSON: Yes.

21 THE COURT: Very good.

22 Mr. Moore.

23 MR. MOORE: Yes, sir, Your Honor.

24 CROSS EXAMINATION BY MR. MOORE:

25 Q. Good afternoon, Sierra. How are you doing?

1 A. Fine.

2 Q. Good. I got a few followup questions, based off your
3 testimony.

4 First of all, you said that it was dark when this
5 happened, is that correct?

6 A. It was dark or almost dark.

7 Q. Okay. And you were on the front porch of your house?

8 A. Yeah.

9 Q. And who else was on the front porch with you?

10 A. My sister and brother-in-law.

11 Q. Okay. Can you -- your sister's name is?

12 A. Christa Hall.

13 Q. And your brother-in-law's name is?

14 A. Blake Hall.

15 Q. So is it just the three of you on the porch?

16 A. And my son.

17 Q. Okay. And how old is he?

18 A. Six.

19 Q. Okay. So there is four of you?

20 A. Well, he's seven now.

21 Q. Okay. Well, at the time how old was he?

22 A. Five.

23 Q. Were there any other children on the porch?

24 A. No.

25 Q. Okay. A minute ago you testified that "we yelled at

1 the truck that was driving around." When you said we, who
2 yelled?

3 A. I guess all of us. We -- oh, we didn't like yell and
4 cuss. We just like "what are you doing," because we didn't
5 know they were just riding around.

6 Q. So this would be you, Blake and Christa all yelled at
7 this truck? I mean --

8 A. I'm pretty sure. I know -- I know I did once.

9 Q. Okay. You know you yelled?

10 A. Yeah.

11 Q. And you think they yelled?

12 A. Yeah.

13 Q. One time?

14 A. I'm sure not really --

15 Q. Okay.

16 A. -- to be honest.

17 Q. Do you remember --

18 You just testified this truck drove around this area
19 multiple times. That's what was causing y'all concern. Do
20 you remember which one of those times you yelled at the
21 truck?

22 A. I don't.

23 Q. You don't know if it was the second time?

24 A. I know it was more than twice, because we got really
25 concerned.

1 Q. Okay.

2 A. We didn't know who it was.

3 Q. You just testified that Mr. Williams came up on the
4 left side of your house, is that correct?

5 A. Yes.

6 Q. Was he present when y'all yelled at the truck?

7 A. I honestly don't remember.

8 Q. Okay. You testified that he appeared to have a long
9 gun, is that correct?

10 A. Yes.

11 Q. Can you describe that gun, please?

12 A. I know it had brown on it. That's all I remember.
13 This happened awhile back.

14 Q. Right. Well, I realize that, but you realize this is
15 also really important?

16 A. Oh, yes, I know.

17 Q. And your answers to these questions are very important
18 as well.

19 A. I know.

20 Q. Okay.

21 A. I -- I -- I don't remember what it really looked like.
22 I know it was long and it was brown.

23 Q. Okay. How far away was he when you saw the gun?

24 A. He wasn't real real close to me. I was like in my
25 front yard. He was on this side of the house, so I would

1 say like from me to them.

2 Q. Who is them?

3 A. Those two sitting back there.

4 Q. Okay. Did you see him doing anything with the gun,
5 loading it, or anything like that?

6 A. No.

7 Q. You just testified that you saw him placing bricks in
8 the road, is that correct?

9 A. Yes.

10 Q. Where were those bricks placed?

11 A. Right at my driveway.

12 Q. At your driveway?

13 A. Yeah. Not in my driveway. It's on the road, but my
14 driveway is right there.

15 Q. Okay. I'm going to ask you this question one time, so
16 please make sure that you think about it and give me a
17 truthful answer, okay?

18 A. Okay.

19 Q. Did your brother-in-law Blake put any bricks in the
20 road?

21 A. Not -- honestly I don't remember. A lot of things I
22 don't remember from that night.

23 Q. Well, I realize that, but it's important, so you don't
24 recall at all whether he left the porch and placed bricks in
25 the road as well?

1 A. I know we all left the porch --

2 Q. Okay.

3 A. -- but I honestly don't remember. There is a lot of
4 things I don't remember.

5 He could have. I don't know.

6 Q. Did you see anybody actually shoot the gun?

7 A. No.

8 Q. And you said you heard it from behind your house?

9 A. Yeah.

10 Q. And how many gunshots did you hear?

11 A. I think just one. I remember hearing one.

12 Q. What about this time frame on -- from when you
13 yelled -- I'm just trying to understand and I want to make
14 sure the jury understands this timeline. We have got -- you
15 have got the gunshot that you heard. We have got you or
16 multiple people yelling at the truck. We have got people
17 putting the bricks in the road. We've got Mr. Williams
18 apparently coming up to the left side of your house. What
19 order did that happen and how long did that take between
20 those events?

21 A. I have got to piece it together. It's been so long.

22 I know they kept riding a few times and we were already
23 yelling. I know I was. And then I guess he heard it and
24 saw the truck, so he come up behind my house on the left
25 side.

1 Q. I don't want you to take a guess. Now, I definitely
2 don't want you guessing.

3 A. I know for a fact he come up on the left side of my
4 house.

5 Q. Okay.

6 A. I'm just -- I'm being honest on what I remember.

7 Q. That's all I'm asking you to do.

8 A. I know -- I honestly am getting confused, because I
9 don't remember a whole lot of it.

10 Q. Okay. That's okay. Please do not try to make it up.

11 A. Oh, no.

12 Q. I mean, that's just what you remember. That's all we
13 can ask of you.

14 So there was one child on the porch?

15 A. Yeah, I made him go in, because I didn't know if the
16 truck was starting trouble, or, you know, what was going on.

17 Q. Were Christa and Blake on the porch with you the whole
18 time this truck was riding around?

19 A. Yeah.

20 Q. Okay. Who else lives in that house with you?

21 A. Just -- it was just me, my husband, my son, and a
22 foster child I had at the time.

23 Q. Okay. Do y'all keep any guns in that house?

24 A. Yes.

25 Q. What kind?

1 A. Well, at the time we had -- I don't know what it's
2 called. It's my husband's. It was a big black gun --

3 Q. Okay.

4 A. -- and he has two handguns.

5 Q. Now, at the very beginning of your testimony Mr.
6 Kendall asked you how you know Mr. Williams and your
7 response was "we live in the same area," is that correct?

8 A. Yes.

9 Q. That's not really the extent to how you know Mr.
10 Williams?

11 A. Well, that's how it started. That's how I know him.

12 Q. Okay. Did y'all have a relationship together?

13 A. Yes.

14 Q. I mean --

15 A. Yes.

16 Q. A romantic relationship?

17 A. Yes.

18 Q. And at some point he broke up with you?

19 A. That's -- we weren't never really in a relationship.
20 It was just a thing, because he was with other people and so
21 was I.

22 Q. Okay. So he wasn't just a neighbor?

23 A. Yeah, no.

24 Q. He was somebody that you had a physical relationship
25 with?

1 A. In 2012.

2 Q. Okay.

3 A. At the time he was just my neighbor --

4 Q. Okay.

5 A. -- when all this happened.

6 Q. Did he have a relationship later with your sister as
7 well?

8 A. He says yes and she told me no, so I honestly don't
9 know. I mean, it's possible. I have no idea.

10 Q. And you just don't recall whether or not Blake was in
11 the road putting bricks in the road, is that correct?

12 A. I really don't remember. He could have. He may have.
13 I don't know.

14 MR. MOORE: Beg the court's indulgence for a
15 moment, Your Honor.

16 THE COURT: Yes, sir.

17 (Off the record).

18 (Back on the record).

19 MR. MOORE: That's all questions, Your Honor.

20 THE COURT: Yes, sir, anything?

21 MR. KENDALL: Yes, sir, Your Honor.

22 REDIRECT EXAMINATION BY MR. KENDALL:

23 Q. I'm going to show you what is marked State's Exhibit 2.
24 Do you recognize this?

25 A. Yes, that's his house.

1 Q. And what's in front of his house?

2 A. A truck.

3 Q. What about right back there?

4 A. Road.

5 Q. Okay. And could you describe the road that runs in
6 front of Mr. Williams house, that Evans Street road? Is
7 that a -- like a brand new --

8 A. It's like a back road.

9 Q. Okay. So it's like a -- it's like semi-dirt, is that a
10 fair way to describe it? Like it's kind of like a dirt
11 road, but it's got some asphalt underneath there?

12 A. Yes.

13 Q. Okay. Is it fair to say that there are pieces of rock
14 and stuff like that out there --

15 A. Yes.

16 Q. -- as well.

17 Okay. And you talked about people putting bricks in
18 the road. Was this like a giant pile of bricks or anything
19 like that?

20 A. No.

21 Q. Could you kind of describe it to us how what they were
22 like?

23 A. It was like broke up. It was some rocks like -- like a
24 brick broke into many pieces.

25 Q. Okay. And sort of he was just throwing them in the

1 road?

2 A. Yeah.

3 Q. Okay.

4 A. That's -- as far as I know.

5 Like I remember him doing that, but I don't know if
6 anyone else was. I don't remember.

7 Q. Okay. Did you see anything that was going to actually
8 slow down the truck? Like was it big enough like speed bump
9 that it's going to cause somebody to stop or something?

10 A. No, it would have like made them, you know --

11 Q. Okay. So it never got to the point where it was like a
12 big bump, or anything like that, is that fair to say?

13 A. No.

14 Q. Okay. When the gunshots went off where was Blake?

15 A. I have no idea.

16 Q. Okay.

17 A. We were -- I don't know if he was still there with us.
18 I know we were all in the same area. I don't know if he was
19 on the porch or the house.

20 Q. Okay. But he was still in the house area?

21 A. Yeah.

22 Q. He hadn't left the home?

23 A. Yeah.

24 Q. Okay. Is that fair to say? I don't want to put words
25 in your mouth.

1 A. Oh, yeah, yeah.

2 Q. Okay. So Blake is still somewhere on the porch or
3 house, you guys were all in the same area?

4 A. Yeah.

5 Q. Okay. You testified your husband had a couple of guns
6 there. You said one was a black gun. What did this gun
7 kind of look like?

8 A. The best I can describe it is like -- it looks like a
9 machine gun.

10 Q. Okay.

11 A. But it's called something else.

12 Q. Like an assault rifle or something like that?

13 A. Yes.

14 Q. Does it shoot pellets or does it shot like real
15 bullets?

16 A. Real bullets.

17 Q. Okay. I guess -- rephrase that. Does it shoot a
18 single bullet, or does it shoot like a shotgun shell?

19 A. Single bullets.

20 Q. Okay. All right.

21 And -- so -- and you testified you and Mr. Williams at
22 one point had had a thing going. When was that?

23 A. 2012.

24 Q. Okay. So that was approximately five years before
25 this? Four to five years before this?

1 A. Yeah.

2 Q. Okay. And y'all still lived in close proximity?

3 A. Yeah.

4 Q. Where was your husband while this was happening? Was
5 he there?

6 A. No.

7 Q. Where was he?

8 A. I think work.

9 Q. Okay.

10 A. Yeah, he drove a -- he drove a tow truck.

11 Q. Okay. So he wasn't even on the premises, is that fair
12 to say?

13 A. No.

14 Q. Okay. And who lived at the premises?

15 A. Me, my husband, my son, and my foster son.

16 Q. Okay. And your husband is not Blake, right?

17 A. No, it's my brother-in-law.

18 Q. Okay. And when Blake came over to the house, did he
19 have any guns with him?

20 A. No.

21 Q. Okay. Did you ever see him handle a gun the entire
22 time you saw him there?

23 A. No.

24 Q. Okay. How old was the foster child?

25 A. He turns eighteen this month.

1 Q. Okay. All right.

2 And how did your husband's gun look in comparison to
3 the gun that Mr. Williams had?

4 A. It wasn't as long.

5 Q. Your husband's gun was shorter?

6 A. I'm thinking it was.

7 Q. Okay.

8 A. Like I said, it was dark.

9 My husband's gun got stolen, though, a week -- or maybe
10 longer prior to that.

11 Q. Okay. So he didn't have his -- he didn't have his what
12 you call a machine gun in the house at that time?

13 A. Uh-uh.

14 Q. He just had pistols?

15 A. Yeah.

16 Q. Okay. Please answer any questions Mr. Moore may have.

17 A. All right.

18 THE COURT: Mr. Moore.

19 MR. MOORE: Just briefly.

20 RECROSS EXAMINATION BY MR. MOORE:

21 Q. Again, I think Mr. Kendall used the word gunshots, but
22 I want to verify. Your testimony is you heard one gunshot?

23 A. I know I heard one for a fact, but I don't think there
24 was any others.

25 Q. Okay. Are you aware if anybody else lived in the house

1 that Mr. Williams lived in down the road?

2 A. Yes.

3 Q. Who else lived there?

4 A. I know his cousin I think, and his girlfriend, and
5 there may have been others, but I don't -- I don't know.

6 Q. Okay. But, to the best of your knowledge, at the time
7 of this incident he did not live in that house by himself?

8 A. No.

9 Q. And Mr. Kendall just asked you again about the bricks
10 in the road, pile of bricks, things like that. Were the
11 bricks -- I'm trying not to be ridiculous, but were the
12 bricks of a size that could -- would you recognize it if you
13 ran over them if they're in the road?

14 A. No.

15 Q. Could you feel it in the car if you hit one of them?

16 A. He was like build it like a speed bump, but it was --
17 it was -- it looked like it was rocks.

18 Q. Okay. I'm just asking would you have noticed it if you
19 had driven over it if you were driving a car?

20 A. You would, I guess, because it would feel like a speed
21 bump.

22 Q. Okay.

23 A. But nothing real huge.

24 Q. Okay. Thank you.

25 THE COURT: Thank you, ma'am. Please step down

1 and by careful, okay?

2 THE WITNESS: Do I go back out there?

3 THE COURT: Yes, ma'am.

4 MR. KENDALL: Your Honor, the State would call
5 Christa Woodie at this time.

6 CHRISTA HALL, having been first duly sworn,
7 testified as follows:

8 THE WITNESS: I do.

9 THE COURT: Ma'am, tell me your full name and
10 spell your last name for my court reporter, please.

11 THE WITNESS: Christa Hall, H-A-L-L.

12 THE COURT: Did you formerly go by Christa Woodie?

13 THE WITNESS: Yes.

14 THE COURT: Thank you.

15 Solicitor.

16 DIRECT EXAMINATION BY MR. KENDALL:

17 Q. Ms. Hall, where are you from?

18 A. Gaffney.

19 Q. How long have you lived in Cherokee County?

20 A. My whole entire life.

21 Q. Okay. And do you know Mr. Williams?

22 A. Yes, I do.

23 Q. And how do you know him?

24 A. Just the same area through certain people.

25 Q. Okay. And do you know where he lives, or he lived?

1 A. Yes, I do.

2 Q. Where was that?

3 A. Well, where my sister used to live, right behind her
4 house.

5 Q. Okay. And do you recall where you were on May 9th,
6 2017?

7 A. At my sister's.

8 Q. Okay. And what were y'all doing over there?

9 A. Just visiting. They was cooking and we went to eat
10 with them.

11 Q. Okay. And who all was over there?

12 A. Me, my sister, my husband, and that's it.

13 Q. Okay. And were there kids over there?

14 A. Yeah, my nephew D [REDACTED].

15 Q. Okay. And did anything odd happen that night when
16 y'all were over there?

17 A. Yes, there was a truck that was riding around and
18 around the block and stuff.

19 Q. Okay. And what did y'all think about that?

20 A. Well, we was curious what was going on, but come to
21 find out, they was just testing their truck.

22 Q. Okay. And did you see Mr. Williams that night?

23 A. Yes, I did.

24 Q. How did Mr. Williams appear?

25 A. Jittery, nervous, sweaty.

1 Q. Okay. When you say jittery, what do you mean?

2 A. Like just -- I don't know how to explain it, other than
3 just nervous like.

4 Q. Okay. Twitchy and nervous?

5 A. Yeah.

6 Q. Okay. You say he was sweaty as well?

7 A. Yes, sir.

8 Q. Okay. And did he appear worried about the truck at
9 all?

10 A. Yes, he did.

11 Q. And what made you think he was nervous about the truck?

12 A. Because he kept coming back and forth asking me, my
13 sister and Blake "who are these people?"

14 Q. Okay. Did he have anything -- did you see him do
15 anything to try to slow the truck down or something?

16 A. He started smashing bricks in the road for when they
17 came back around to try to stop him.

18 Q. All right. Did he ever get a big pile going or
19 anything like that, or was it just like busted up pieces of
20 brick?

21 A. Here and there just across the road, not like a big
22 pile.

23 Q. And could you kind of describe the state of that road
24 in general?

25 A. Like what do you mean?

1 Q. Like was that like the -- is that like a newly paved
2 road?

3 A. It wasn't cracked or nothing. It was still a good
4 road. It was like fair.

5 Q. Okay. But it had some rocks in it already, is that
6 fair to say?

7 A. Yeah.

8 Q. And did he have anything with him when you saw him?

9 A. Well, when he went to get the bricks to smash them, he
10 came back with a gun.

11 Q. Okay. And could you describe that gun to me?

12 A. It was long.

13 Q. Okay.

14 A. It just had a long barrel.

15 Q. Okay. So it looked more like a --

16 So I guess to kind of start back there from the
17 beginning. Do you know what a pistol looks like?

18 A. Yes, I do.

19 Q. Was it bigger or longer than that?

20 A. Longer.

21 Q. Okay. Did it look like something that was like a
22 hunting type of thing?

23 A. No.

24 Q. Okay. But it just looked like a big --

25 A. Yeah, like -- I'm not really familiar with guns, but I

1 know a gun when I see a gun.

2 Q. Okay. All right.

3 So do you remember what color it was or anything?

4 A. I know the barrel was black and I think -- I'm not for
5 sure, the handle was brown. It's been so long.

6 Q. Okay. All right.

7 So the handle would be brown and the barrel would be
8 black and it was kind of a bigger gun, is that fair to say?

9 A. Yes.

10 Q. Okay. And did he stay at your house?

11 A. Who?

12 Q. Allen.

13 I'm sorry, did he stay at Sierra's house, or was he
14 moving around?

15 A. Yeah, he was moving around.

16 Q. Okay. And did you see the truck come by?

17 A. Yes.

18 Q. All right. And how did Mr. Allen -- Mr. Williams react
19 to that?

20 A. He -- he thought it was somebody trying to start
21 trouble or something.

22 Q. Okay. And the last time the truck came around, the
23 very last one before the shooting, was Mr. Williams with you
24 all then?

25 A. Yes, but then he took off running behind my sister's

1 house once they came around.

2 Q. So the truck came back around?

3 A. Uh-huh.

4 Q. He took off running behind your sister's house?

5 A. Yes.

6 Q. Okay. How long after that --

7 And I know that you weren't wearing a stopwatch or
8 anything, but approximately how long after that did y'all
9 hear gunshots? Was it like hours? Was it minutes? Was it
10 seconds?

11 A. Seconds.

12 Q. So fairly shortly after he runs behind the house y'all
13 hear gunshots?

14 A. Yes.

15 Q. Okay. When he ran behind the house, did he have the
16 gun with him at that time?

17 A. Yes.

18 Q. Okay. And what about -- where were you guys? Where
19 were Sierra and Blake and any of the children and yourself?

20 A. Well, we made D go in, my nephew, once we saw the
21 gun. Me and my sister was like halfway up the steps and my
22 husband, Blake, he was in the yard.

23 Q. Okay. And were you able to see him when the gunshots
24 went off?

25 A. No, we didn't see. After --

1 Q. I'm sorry, were you with Blake and Sierra? Y'all could
2 see them, Sierra and Blake?

3 A. Yes.

4 Q. What about -- were you able to see Mr. Williams when
5 the gunshots went off?

6 A. No.

7 Q. Okay. And what direction did the gunshots come from?
8 You are at Sierra's house. Did they come from behind
9 Sierra's house where Mr. Williams lived? Did they come from
10 down the street this way? Did they come from -- could you
11 generally tell the direction they came from?

12 A. Behind my sister's house.

13 Q. Okay. And where did Mr. Williams live?

14 A. Excuse me?

15 Q. Where did Mr. Williams live?

16 A. Right behind my sister's house.

17 Q. Okay. Did Mr. Williams say anything to you when he
18 came over to your house about the truck, or anything like
19 that?

20 A. It's been so long I couldn't exactly remember what his
21 words would have been.

22 Q. Okay. What was the general gist? Was he concerned?
23 Was he --

24 A. Yes, like he -- I remember he was asking what did they
25 want or something.

1 Q. Okay. And this road, this Evans Street road, is this
2 like a highly trafficked road?

3 A. No.

4 Q. So was it out of the ordinary for a truck to keep going
5 down there multiple times?

6 A. Yeah.

7 Q. Okay.

8 Please answer any questions Mr. Moore may have.

9 CROSS EXAMINATION BY MR. MOORE:

10 Q. All right. Good afternoon, Ms. Hall.

11 A. Yes.

12 Q. So y'all were all on the porch at your sister's house,
13 is that correct?

14 A. Yes.

15 Q. And were y'all -- by y'all, I'm talking you, your
16 sister and Blake, did y'all have any concern about this
17 truck driving around?

18 A. Yes, we was curious.

19 Q. Okay. Did you think they might be possibly trying to
20 start some trouble?

21 A. No, because we didn't know anyone that drove a truck
22 like that. I mean, we was curious who they are, but we
23 didn't think they were going to start anything with us.

24 Q. So y'all weren't concerned or nervous about it? You
25 were just curious?

1 A. We just was wondering what was going on or who were
2 they looking for, pretty much?

3 Q. Okay. At any point did you yell at the truck as it
4 drove by?

5 A. No.

6 Q. Did Blake yell at the truck?

7 A. No.

8 Q. Did Sierra yell at the truck?

9 A. No, not that I remember.

10 Q. Okay. So nobody yelled at the truck as it was driving
11 around?

12 A. No.

13 Q. That you recall?

14 A. Not that I recall, no.

15 Q. Okay. You just testified that Mr. Williams kept coming
16 back and forth during this time period from his house to
17 your sister's house, is that correct?

18 A. Yes.

19 Q. How many times?

20 A. It's been so long I couldn't exactly say like exactly
21 how many times.

22 Q. More than once?

23 A. Yes, more than once, of course.

24 Q. I mean, you say of course. I don't know.

25 A. I mean more than once, yes, but I couldn't like put

1 like five, six. I wouldn't know the exact amount.

2 Q. Okay. But it was multiple times he kept coming back
3 and forth?

4 A. Yes.

5 Q. Okay. Was he coming up the road, or which way was he
6 coming to your sister's house?

7 A. From behind her house.

8 Q. Well, he lived behind her house.

9 A. Yes, that's the way he was coming.

10 Q. On the right side?

11 A. Uh-huh, he was in the road coming up.

12 Q. Okay. But not like in the woods side of her house?

13 A. No.

14 Q. Now, you just testified that on the truck's last time
15 around the block he ran behind your sister's house and you
16 heard a gunshot within seconds, is that correct?

17 A. Yes.

18 Q. Okay. So let me understand that. Where was he
19 standing, that you recall, when he started this run?

20 You said he ran. Where did he start from when he
21 started running?

22 A. From the top of the road.

23 Q. Okay.

24 A. And then down once it passed.

25 Q. He ran down the road behind the truck?

1 A. Yes, but the truck was faster. Of course it was a
2 little ahead of him. He was chasing after it.

3 Q. Okay. So he was chasing after the truck going down the
4 road and within seconds you heard a gunshot?

5 A. Yes, once he made it behind my sister's house.

6 Q. Okay. But you didn't see him shoot a gun?

7 A. No, I did not.

8 Q. All right. How many -- did you hear one or multiple
9 gunshots?

10 A. One.

11 Q. Did your husband put any bricks in the road?

12 A. No, he did not.

13 Q. Okay. You don't possess any bias towards my client, do
14 you?

15 A. No, I do not.

16 Q. Y'all have never had any type of relationship or
17 anything?

18 A. No, we have not.

19 Q. Okay. Did you give a statement to law enforcement the
20 night of this incident?

21 A. Yes, I did.

22 Q. Have you reviewed that statement in preparation for
23 court today?

24 A. Yes, I have.

25 Q. Okay.

1 MR. MOORE: Your Honor, may I approach the
2 witness?

3 THE COURT: Sure.

4 BY MR. MOORE:

5 Q. Can you read the last, you know, two lines, three lines
6 of the statement?

7 MR. KENDALL: Objection, Your Honor. Is he asking
8 her to refresh her memory? I mean, she's allowed to look at
9 it to refresh her memory, if that's --

10 THE COURT: Okay. What's -- is she looking at it
11 to refresh her memory?

12 MR. MOORE: Yes.

13 THE COURT: Okay.

14 Ma'am, take a look at it. He's going to ask you
15 questions.

16 A. (Witness reviewing statement).

17 BY MR. MOORE:

18 Q. Okay. So the night of the incident --

19 That's your statement, first of all, is that correct?

20 A. Yes.

21 Q. Okay. And the night of the incident you told law
22 enforcement that he walked down the road back to his house,
23 is that correct?

24 A. No, he ran, but everyone was out. Everything was going
25 crazy. Police officers. A child just got shot, so I was

1 nervous, you know.

2 Q. I got you. I'm just asking is your statement then that
3 he walked back to his house?

4 A. Well, I didn't mean he walked. I actually meant ran,
5 but, you know.

6 Q. Okay. So just to make sure we are clear here, your
7 testimony today is that he ran from your sister's house and
8 you heard shots within seconds?

9 A. Yes.

10 Q. And that -- and you agree that that's not what you told
11 law enforcement the night of the incident?

12 A. Well, I didn't tell them nothing word to word, face to
13 face. I wrote it on this piece of paper.

14 Q. Right, but you agree that that's not what you wrote to
15 law enforcement the night of the incident?

16 A. Well, obviously it's there.

17 Q. Thank you.

18 THE COURT: Anything at all?

19 REDIRECT EXAMINATION BY MR. KENDALL:

20 Q. Just so we're clear on this. I just want to make sure
21 we understand.

22 Walk me through -- don't worry about setting time.

23 Walk me through what happened the last time the truck passed
24 by. What happened?

25 A. Okay. The last time they rode by, they made it over

1 the bricks without stopping or puncturing a tire and they
2 kept going down the road and then C.J. took --

3 Q. Who is C.J.?

4 A. Allen Williams.

5 Q. Okay.

6 A. And he took off running behind the truck passed my
7 sister's house and then we heard a gunshot go off.

8 Q. Did he have the gun at that time?

9 A. Yes, he did.

10 Q. Okay. Where is his house in relation to your sister's
11 house?

12 A. Okay. Here is my sister's house, and then here is his
13 house directly behind him.

14 Q. Let's see if we can turn this on.

15 Your sister's house is here, right?

16 A. Yes.

17 Q. All right. Mr. Williams was here, right?

18 A. Yes.

19 Q. All right. Using the pointer, show me what happens
20 when the truck drives by. Where does Mr. Williams go?

21 A. He is standing right there and the truck comes back
22 around and he runs down to -- I don't know exactly where,
23 but he runs past my sister's house down this road.

24 Q. Okay. So you don't know what happens once he runs past
25 you guys, once he goes past your house? The next thing you

1 hear is a gunshot?

2 A. Yes.

3 Q. Okay. And temporally, does that happen kind of all at
4 the same time? You saw Allen go off and then a gunshot goes
5 off?

6 A. Yes.

7 Q. Okay. So we are not talking about like two seconds?
8 We are not talking about like ten minutes? We are talking
9 about a truck runs by, he goes running off and then boom, is
10 that fair to say?

11 A. Yes.

12 Q. Okay. And were you out with your sister the entire
13 time she was out there, or is she out sometime and you be
14 inside, or you on the porch and she would be in the yard,
15 or --

16 A. We was mainly on the porch together the whole time.

17 Q. Okay. But there was sometimes when you weren't and she
18 wasn't as well, or were there times when you weren't as
19 well?

20 A. Yes.

21 Q. Okay. Did you see anybody else out there that night
22 with a firearm?

23 A. No, I did not.

24 Q. Okay. So the only person that you saw with the firearm
25 was Mr. Williams?

1 A. Yes.

2 Q. Okay.

3 MR. KENDALL: All right. Nothing further, Your
4 Honor.

5 THE COURT: Anything?

6 MR. MOORE: Yes, sir, just real quick.

7 Can we look at the map again? Can we get the
8 lights off?

9 May I approach the witness, Your Honor?

10 THE COURT: Yes.

11 RECROSS EXAMINATION BY MR. MOORE:

12 Q. Earlier you said that he came back and forth between
13 your sister's house multiple times. Can you show us which
14 way you saw him coming back and forth?

15 A. (Witness pointing).

16 Q. So back and forth right up the road?

17 A. Uh-huh.

18 Q. And where were these bricks in the road?

19 A. (Witness pointing).

20 Q. Okay. Where is her driveway?

21 A. (Witness pointing).

22 Q. And just to make sure I'm clear, you recall him running
23 behind the truck in the road with a shotgun and firing it at
24 the truck seconds later?

25 A. Yes.

1 MR. MOORE: No further questions, Your Honor.

2 THE COURT: Thank you.

3 Ma'am, you may step.

4 MR. KENDALL: Your Honor, if we could approach
5 about one thing?

6 (Whereupon, the lawyers approached the bench for
7 an off-the-record discussion)

8 THE COURT: You may step down, ma'am.

9 MR. KENDALL: Your Honor, the State would call
10 Billy Anthony at this time.

11 OFFICER BILLY ANTHONY, having been first duly
12 sworn, testified as follows:

13 THE WITNESS: I do.

14 THE COURT: Sir, tell us your full name and spell
15 your last name for us.

16 THE WITNESS: Billy Anthony, A-N-T-H-O-N-Y.

17 THE COURT: Thank you.

18 Solicitor.

19 (Photograph marked as State's Exhibit No. 11 for
20 identification).

21 (Photograph marked as State's Exhibit No. 12 for
22 identification)

23 DIRECT EXAMINATION BY MR. KENDALL:

24 Q. Could you please state your name for the record?

25 A. Billy Anthony.

1 Q. Mr. Anthony, where are you currently employed?

2 A. The Cherokee County Sheriff's Office.

3 Q. And how long have you been employed with the sheriff's
4 office?

5 A. I have been employed there now since 2002 as a
6 full-time officer, so seventeen years.

7 Q. Okay. And what are your responsibilities with the
8 sheriff's office?

9 A. My primary job is a crime scene investigator and
10 evidence custodian.

11 Q. Okay. And do you do any other jobs down there?

12 A. We do a lot of different things. You know, we may fill
13 in where as needed for patrol, or anything else that's
14 needed in the department, but primary focus is crime scene
15 and evidence.

16 Q. Okay. How long have you been with the sheriff's
17 office?

18 A. It will be seventeen years next month.

19 Q. Okay. Did you respond to a crime scene on May 9th and
20 May 10th, 2017?

21 A. Yes, sir, I did.

22 Q. And where did you respond to?

23 A. I was called out to Evans Street in Gaffney. It's in
24 Cherokee County.

25 Q. Okay. And what were you -- what were you doing while

1 you were out there? What were you investigating?

2 A. I was initially called by Detective Tim Brasier for a
3 shooting incident that had occurred.

4 Q. Okay. And what did you do once you got there?

5 A. When I arrived on the scene there was some officers
6 that were already there on the scene. Upon my arrival --
7 and had a subject detained.

8 When I arrived, I performed a GSR kit on the subject
9 they had detained.

10 Q. Let's talk a little more about the GSR kit first. What
11 does GSR stand for?

12 A. Gunshot residue.

13 Q. All right. And could you describe briefly what that
14 is?

15 A. Gunshot residue is typically found from -- it's
16 projectiles, lead, unburnt gunpowder, primer, things like
17 that that is projected out of a weapon.

18 Q. Okay. And so when a gun is fired, it shoots off a
19 bunch of particles, is that kind of what you are getting at?

20 A. That's correct.

21 Q. All right. And what is a gun -- what is a GSR kit
22 then?

23 A. It's a kit that we actually receive from SLED that has
24 little round tubes in it that's got -- basically it's like
25 one-sided tape. It's attached to the lid that we actually

1 use and we will dab it on the hands to try to pick up any
2 particles, if there is any there.

3 Q. Can you always do a gunshot residue test?

4 A. No, sir.

5 Q. I guess will they accept a gunshot residue test always
6 I think is a better say to phrase that?

7 A. No, sir, there is actually SLED's guidelines, anything
8 after four hours we don't submit. They don't accept our
9 gunshot residue kits, and if the person has knowingly, you
10 know, washed their hands or did something to remove
11 anything.

12 Q. So is it fair to say that gunshot is pretty transient
13 in nature? In other words, it can come off pretty easily,
14 is that fair to say?

15 A. Yes, sir, it does.

16 Q. If I were to say wash my hands, would there still --
17 how would that affect it?

18 A. It could eliminate it completely.

19 Q. What if I was sweaty?

20 A. After a period of time -- that's why the four-hour
21 window is there, because after natural contact, brushing
22 against other things, just day-to-day activities, after four
23 hours you would typically not see gunshot residue still.

24 Q. So you say brushing or wipe my hands off --

25 A. Yeah.

1 Q. -- that it could knock the gunshot residue off?

2 A. It could possibly, yes, sir.

3 Q. Okay. And did you conduct a gunshot residue test in
4 this case?

5 A. Yes, sir, I did.

6 Q. All right. And who did you conduct that gunshot
7 residue test on?

8 A. On a Mr. Allen Charron Williams, Jr..

9 Q. All right. I'm going to show you what is marked
10 State's Exhibit 10. Do you recognize that?

11 A. Yes, sir, I do.

12 Q. And what is that?

13 A. This is the gunshot residue kit that was -- collection
14 kit that was performed on Mr. Williams. The top, it has our
15 evidence bar code where it was entered in as our evidence.

16 Q. All right.

17 A. And I have actually listed my name, case number, and
18 defendant's name on the kit.

19 Q. Okay. And what do you do -- what did you do with that
20 kit once you took it?

21 A. It was -- after it was collected with everything that
22 would have went with the case, it was placed in our evidence
23 vault until it was taken to SLED.

24 Q. And what is the evidence vault?

25 A. The evidence vault is a closed room that we have inside

1 the sheriff's office. It's limited access. We have four
2 people that actually have access to it; myself, Detective
3 Jimmy Henson, who is another crime scene investigator,
4 Lieutenant Rodney Bright, who was an evidence custodian, and
5 the sheriff.

6 In the wall in the hallway where the door is to go into
7 the evidence vault, there is a little mail slot where you
8 can actually drop the evidence in, but the person that drops
9 it in can't retrieve it unless one of the custodians
10 actually goes in to get the evidence.

11 Q. All right. And did you take that to the evidence
12 vault?

13 A. Yes, sir, I did.

14 Q. And prior to you taking it to the evidence vault, did
15 you seal all of the I guess internal parts of that that
16 needed to be sealed?

17 A. Yes, sir. On the back there is actually a seal, red
18 seal, on the back of it. It has my initial on it.

19 Q. Okay. And what did you ultimately do with that kit?

20 A. It was taken to SLED for analysis.

21 Q. Okay. And I just want to -- I guess we probably ought
22 to -- there is some tape on the edge here that says it's
23 evidence tape. Do you recognize that?

24 A. Yes, sir. Here on the top, this was actually -- the
25 one that was on the top side, we had actually opened the kit

1 up for review and it was dated on the date of October the
2 5th, 2018.

3 Q. Was that before or after SLED ran the tests?

4 A. That was after.

5 Q. Okay. And do you recall why we opened that up?

6 A. I'm not sure. I remember we were meeting with the
7 attorneys, but I'm not --

8 Q. Do you recall if it had anything to do with the
9 paperwork that's inside of there?

10 A. Yes, sir, that's correct. Actually I have a note
11 written on top opened, who it was opened in the presence of,
12 and the date and time.

13 Q. Okay. And that was done after SLED ran all their
14 tests, is that correct?

15 A. That's correct, yes.

16 Q. Okay. And it looks like it was myself and Mr. Moore
17 were present when you opened that up, but that's --

18 All right. And did you make any markings indicating
19 you had sealed it back up?

20 A. Yes, sir, my initials and the date.

21 Q. Okay. Okay.

22 And how did we get this back?

23 A. I actually brought it back from SLED when they are
24 through with the analysis.

25 Q. Okay. In addition to conducting a GSR test on Mr.

1 Williams, did you perform any other crime scene functions?

2 A. Yes, sir, after the GSR kit was performed, myself and
3 the other officers that were there, we actually walked the
4 area looking for any evidence from a shooting to see if we
5 could see anything that may have been around the area. We
6 were unable to locate anything at is related to the shooting
7 around the roadway, the sides of the road.

8 Q. Okay. Were you able to locate the firearm?

9 A. No, sir, we did not.

10 Q. All right. Is it fair to say you guys looked pretty
11 hard for it as well?

12 A. Yes, sir, we were out there a significant amount of
13 time that night and actually went back the next day trying
14 to locate it.

15 Q. Okay. And over the course of your searching for the
16 firearm, did you conduct a search of the home Mr. Williams
17 was living in?

18 A. Yes, sir, we did.

19 Q. And was anything of note found inside of that home?

20 A. Let me refer to my notes.

21 Inside the residence, located in the freezer of the
22 residence, there was a gray plastic bag that was containing
23 a white rock-like substance and a small ziplock bag
24 containing white crystal substance.

25 Q. Okay. I'm going to show you --

1 And were you one of the officers on the scene -- were
2 you the officer on the scene that collected those narcotics?

3 A. Yes, sir, I was.

4 Q. Okay. I'm going to show you what is marked State's
5 Exhibit 11 and 12. Do you recognize these?

6 A. Yes, sir, I do.

7 Q. And what are those photographs of?

8 A. Those are photographs of the suspected narcotics that
9 were located in the freezer.

10 Q. Okay. And to be fair, there were other people living
11 at that house at the time, is that also -- or staying at the
12 house at that time, is that fair to say?

13 A. To my knowledge, there were.

14 Q. Okay. I'm going to show you what is marked State's
15 Exhibit 9.

16 MR. KENDALL: I'm sorry, I would offer State's
17 Exhibits 11 and 12 into evidence, Your Honor.

18 MR. MOORE: Without objection, Your Honor.

19 THE COURT: Without objection, 11 and 12.

20 (Whereupon, State's Exhibit No. 11 was entered
21 into the record as evidence).

22 (Whereupon, State's Exhibit No. 12 was entered
23 into the record as evidence)

24 MR. KENDALL: And I would like to publish to the
25 jury the coloring. I'm going to have to pass it around, if

1 that's all right, Your Honor.

2 BY MR. KENDALL:

3 Q. I'm going to show you what is marked State's Exhibit 9.

4 Do you recognize this?

5 A. Yes, sir. This is the BEST evidence kit that we used
6 to place narcotics into to send to SLED and this is the kit
7 that I placed them in. I actually dated, printed my name
8 and signed it and it was sealed.

9 Q. Okay. What did you do with this? Is this the BEST Kit
10 that you took from -- excuse me, the narcotics -- or the
11 suspected narcotics that you took from Mr. Williams house or
12 the home Mr. Williams was living in that night?

13 A. Yes, sir, it was.

14 Q. Okay. And what did you do with this?

15 A. They were placed in the evidence vault until they were
16 taken to SLED for analysis.

17 Q. Okay. And is that the same with State's Exhibit 10,
18 the GSR kit, they were placed in a vault and taken to SLED
19 for analysis?

20 A. That's correct.

21 Q. Okay. Now, Detective Anthony, you testified a moment
22 ago you did crime scene type stuff, crime scene
23 investigations. Are you familiar kind of a different kinds
24 of firearms?

25 A. Yes, sir.

1 Q. Could you please describe what kind of firearms
2 particularly would you consider to be long guns?

3 A. Typically in long guns it would be a rifle or a
4 shotgun.

5 Q. And what is the difference between a rifle and a
6 shotgun?

7 A. A rifle has one projectile primarily that is expelled
8 from the barrel, whereas the shotgun can either fire one
9 projectile or, as in many cases, birdshot or buckshot that
10 is multiple projectiles that's in one shot when it's fired.

11 Q. Would the injuries that showed --

12 I'm going to show you what is marked State's Exhibit 3
13 through 8.

14 MR. KENDALL: I think they have already been
15 admitted, Your Honor.

16 THE COURT: Yes.

17 BY MR. KENDALL:

18 Q. Could you take a look at those?

19 A. (Witness examining photographs).

20 Yes, sir.

21 Q. Now, assuming there was just one shot, right, somebody
22 pulled the trigger one time, would that be more consistent
23 with a rifle or with a shotgun?

24 A. This would be more consistent with a shotgun.

25 Q. And what makes you think that?

1 A. There is numerous wounds, small wounds, that if you
2 were shooting something with multiple projectiles, a
3 shotgun, typically that's what you are shooting a birdshot
4 or smaller shot that would have numerous projectiles in one
5 shot.

6 Q. Okay. And is it fair to say if somebody -- a whole
7 bunch of smaller wounds on one big pellet would mostly come
8 from a shotgun, is that fair to say?

9 A. That's fair to say, yes.

10 Q. And are shotguns more commonly long guns or short guns?

11 A. More commonly we see them as long guns.

12 We do see them from time to time where people have
13 modified them and cut them down to make shorter weapons out
14 of them.

15 Q. Do they ever get down to like pistol size, like small
16 pistol-like size of a regular service weapon?

17 A. Not typically.

18 Q. Okay. So would you say it's fair to say that most of
19 the time a shotgun is a long gun, is that fair to say?

20 A. Yes, sir.

21 Q. Okay. You don't recall what time you took the GSR kit
22 by chance, do you?

23 A. 10:45 p.m..

24 Q. Okay. Do you know how long approximately he had been
25 detained when that happened?

1 A. No, sir, I do not.

2 Q. Okay. Please answer any questions Mr. Moore may have.

3 THE COURT: Yes, sir.

4 MR. MOORE: May it please the court?

5 CROSS EXAMINATION BY MR. MOORE:

6 Q. Good afternoon, Detective Anthony.

7 A. Good afternoon.

8 Q. Were you the lead detective on this investigation?

9 A. No, sir.

10 Q. Okay. So what was your role?

11 A. Just crime scene. Come out, perform any crime scene
12 functions, looking for any evidence as it related to the
13 shooting.

14 Q. Okay. So -- and that's separate and distinct from a
15 lead detective, who would kind of be coordinating the
16 overall investigation, is that correct?

17 A. Yes, sir, that's correct.

18 Q. You said when you came to the house that y'all searched
19 around the house, you searched the roadway, and you searched
20 the house itself, is that correct?

21 A. Yes, sir, that's correct.

22 Q. And if I remember correctly from your report, you used
23 some language similar to nothing related to the shooting was
24 found?

25 A. Yes, sir, that's correct.

1 Q. So you didn't find a shotgun?

2 A. No, sir.

3 Q. Okay. You didn't find any expended shotgun shells in
4 the roadway?

5 A. No, sir.

6 Q. Did you find a box of shotgun shells anywhere in the
7 house?

8 A. No, sir, I did not.

9 Q. Did you find any of these pellets in the roadway, or
10 anything like that?

11 A. No, sir.

12 Q. You did take some pictures while you were there, is
13 that correct?

14 A. Yes, sir.

15 Q. Did you take any pictures of the bricks in the road?

16 A. No, sir.

17 Q. Okay. Did you take any pictures of the truck that had
18 been driving by?

19 A. No, sir, I did not.

20 Q. You did say that you did administered a GSR kit on the
21 defendant. Was a GSR kit administered on anyone else?

22 A. No, sir, he was the only one there when I arrived.

23 Q. Okay. And Mr. Kendall, when he was talking about the
24 GSR kit, he started asking questions about that it could
25 wash off easily, it could be brushed off easily, is that

1 correct?

2 A. Yes, sir.

3 Q. Can it be transferred from one item to another?

4 A. Yes, sir, it can.

5 Q. One person to another?

6 A. Yes, sir.

7 Q. So if I -- if I had shot a gun at the range and then a
8 friend of mine handled that gun, he could have GSR on his
9 hands?

10 A. Potentially. It's always possible to transfer GSR just
11 as you are brushing it off. You could have that potential
12 to get the GSR on you or your clothing, but typically that's
13 that four-hour window you typically, it is -- it dissipates
14 in that time.

15 Q. Okay. All right. I got off track a little bit.

16 Okay. So just to summarize as to what you found, or
17 did not find, during your search as part of this
18 investigation, there was no physical evidence found on this
19 road, or in this yard, or in this driveway that indicated
20 that a firearm had been fired, is that correct?

21 A. Nothing we found, no, sir.

22 Q. Okay. Mr. Kendall asked you some questions regarding
23 firearms and firearm training, so I'm assuming you are law
24 enforcement, you have had fairly extensive firearm training,
25 is that correct?

1 A. That's correct, and I'm also a firearms instructor.

2 Q. Okay. I didn't know that.

3 A. Yes, sir.

4 Q. So I'm assuming as part of your law enforcement
5 training you talk about the use of lethal force in certain
6 situations with officers, is that correct?

7 A. Yes, sir.

8 Q. And under certain circumstances, when an officer, you
9 know, is put in a situation where he or somebody else's life
10 is threatened is allowed to exercise lethal force, is that
11 correct?

12 A. That's correct.

13 Q. And what kind of -- what kind of weapons are you issued
14 as a sheriff's deputy or sheriff's officer?

15 A. We are issued our service weapon, our pistol, and some
16 officers are issued a rifle, and we have a few that are
17 issued shotguns at this time.

18 Q. Okay. And you used the term birdshot. Some people,
19 particularly some people on the jury might not be familiar
20 with the term birdshot. What do you mean by birdshot?

21 A. Basically a shotgun shell can contain from one shot,
22 which is considered a slug, goes -- next size down is a
23 buckshot that will contain a shot a little smaller than a
24 marble. Then you go down -- the further you go down towards
25 birdshot, it's the size of BB's, a real small shot and there

1 is multiple numerous -- a couple hundred in one shot in a
2 birdshot is what you would typically find.

3 Q. And I'm not an avid hunter. Are you an avid hunter?

4 A. A little bit, yes, sir.

5 Q. I have heard that, you know, there is different types
6 of ammunition for different types of birds. I mean, you
7 shoot one type of shot at turkeys and a different type at
8 doves, different type at pheasants?

9 A. That's correct.

10 Q. I'm assuming the bigger ammunition, the bigger what you
11 are hunting?

12 A. Typically, yes, sir.

13 Q. Okay. Those officers who were issued shotguns with the
14 sheriff's office, are they issued birdshot?

15 A. No, sir.

16 Q. Why not?

17 A. They are issued either buckshot or slugs is what's
18 carried in their weapons.

19 Q. Okay. You being a certified firearms instructor, in
20 instructing law enforcement who has the authority to use
21 lethal force in certain situations, if they are posed with a
22 lethal force type of situation, would you ever advise them
23 to use birdshot in self-defense?

24 A. They are not going to use that, because that's not what
25 they are going to be issued. You typically don't see that

1 in a self-defense or type of round that someone is carrying
2 for that purpose, though.

3 Q. But why wouldn't you use it in a self-defense type of
4 situation?

5 A. It has very short distance -- shorter distances,
6 because the smaller -- you have a lot more projectiles in
7 that shell. As it travels down, it dissipates. It spreads
8 out and the energy dissipates more quickly. So it still
9 could be a lethal round, but the distance from me to you
10 closes as you get to a smaller shot like that.

11 Q. Okay.

12 MR. MOORE: Beg the court's indulgence just for a
13 moment.

14 (Off the record).

15 (Back on the record).

16 MR. MOORE: One followup question.

17 BY MR. MOORE:

18 Q. We've talked about -- you talked about in your direct
19 examination that a rifle typically has a single round firing
20 a single projectile. Shotguns oftentimes can fire a shell
21 that contains multiple projectiles. Are there handguns that
22 also fire cartridges like shotguns?

23 A. There are. There is a few out there.

24 Q. Uh-huh.

25 A. I don't typically see them a lot, but there are. Some

1 that will fire shotgun shells.

2 Q. Okay. So this pellet-like shell can be fired
3 theoretically from a shotgun or a pistol-like weapon?

4 A. Yes, if you buy a pistol that is made for it.

5 Q. Right.

6 A. Yes, it can be.

7 Q. Okay.

8 MR. MOORE: Thank you.

9 REDIRECT EXAMINATION BY MR. KENDALL:

10 Q. Detective Anthony, if you shoot a little kid in the
11 face with birdshot, can it kill them?

12 A. It could, yes.

13 Q. And that night were you able to photograph the truck?

14 A. No, sir.

15 Q. Did the truck stay on the scene?

16 A. No, sir, it was not.

17 Q. Okay. And any idea where that truck might have gone?

18 A. We went to try to locate the truck and we thought maybe
19 they had went back to a residence. We went to the
20 residence. There was German shepherds inside a fence. We
21 couldn't gain access. It could have actually been at the
22 hospital. At the time we were unaware of where it was at.

23 Q. It's a pretty good chance that they may have needed the
24 truck to go someplace else?

25 A. Uh-huh.

1 Q. Or excuse me, they were unavailable to give you access
2 to the truck. Let me phrase it like that.

3 A. That's correct.

4 Q. All right.

5 Mr. Moore asked a question about not finding pellets in
6 the road. If somebody is sitting in the back of the truck
7 and you were to fire in the back of the truck, where would
8 you expect the pellets to be?

9 A. Depending on the distance, the person that is doing the
10 shooting to where the truck is, you would expect to find
11 them in the truck, or, you know, around that area. It just
12 depends on how much the pattern has spread.

13 Q. And Mr. Moore asked about any kind of specialized
14 shotgun, handgun-type of situation. In your experience of
15 somebody that handles all the evidence down there at the
16 sheriff's office, is that fair to say?

17 A. Yes, sir.

18 Q. Most of the shotguns that you see, what percentage of
19 those would you say that come to the evidence room are long
20 guns?

21 A. 95 percent.

22 Q. Okay.

23 MR. KENDALL: Nothing further, Your Honor.

24 THE COURT: Anything at all as to that?

25 MR. MOORE: Just very briefly, Your Honor.

1 REXCROSS EXAMINATION BY MR. MOORE:

2 Q. Besides the German shepherds, did you ever try to get
3 back out there to take any pictures of that truck?

4 A. No, sir.

5 Q. Did anybody ever turn in any pellets they found in that
6 truck?

7 A. No, sir.

8 Q. Are you aware that a pellet was removed from the minor
9 victim?

10 A. Yes, sir.

11 Q. Would you agree with me that had pellets been found in
12 the back of the truck, or anywhere else, they could
13 potentially have been compared to the ones removed from him?

14 A. Yes, sir.

15 THE COURT: Thank you.

16 Sir, you may step down. Please be careful.

17 MR. KENDALL: May we approach, Your Honor.

18 THE COURT: Yes.

19 (Whereupon, the lawyers approached the bench for
20 an off-the-record discussion)

21 THE COURT: Madam Forelady and ladies and
22 gentlemen, we are at a stopping point for the afternoon.
23 The next witness is not available until tomorrow morning,
24 but they will be here bright and early, so I'm going to ask
25 you to be seated in your jury area room back there by 9:15.

1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS
 3
 4)
 5 THE STATE OF SOUTH) TRANSCRIPT OF RECORD
 6 CAROLINA)
 7 -vs-) 2017-GS-11-01483
 8) 2017-GS-11-01484
 9) 2017-GS-11-01485
 10 ALLEN C. WILLIAMS, JR.,)
 11) JANUARY 16, 2019
 12) GAFFNEY, SOUTH CAROLINA
 13)
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(VOLUME II)

B E F O R E:

THE HONORABLE R. KEITH KELLY, JUDGE. ; And a Jury.

A P P E A R A N C E S:

GEORGE MATTHEW KENDALL, ASSISTANT SOLICITOR
 ATTORNEY FOR THE STATE

KIMBERLY LEWIS LESKANIC, ASSISTANT SOLICITOR
 ATTORNEY FOR THE STATE

TRAVIS MOORE, ESQUIRE
 ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
 CIRCUIT COURT REPORTER

1 DR. KEITH WEBB, having been first duly sworn,
2 testified as follows:

3 THE WITNESS: I do.

4 THE COURT: Doctor, tell me your full name and
5 spell your last name for my court reporter, please.

6 THE WITNESS: Yes, sir, Keith Matthew Webb,
7 W-E-B-B.

8 THE COURT: Thank you.
9 Solicitor.

10 DIRECT EXAMINATION BY MR. KENDALL:

11 Q. Dr. Webb, where are you currently employed?

12 A. Greenville Hospital Systems in Greenville, South
13 Carolina.

14 Q. And were you employed there back in May of 2017?

15 A. I was.

16 Q. And what was your job there?

17 A. I am a pediatric surgeon.

18 Q. All right. And what training did you have to undergo
19 to become a surgeon?

20 A. After medical school, you do a residency in general
21 surgery, and then a fellowship in pediatric surgery.

22 Additionally, I did a fellowship in critical care and
23 pediatric colorectal.

24 Q. Okay. And what are your general responsibilities as a
25 surgeon?

1 A. General responsibilities of surgical care of children
2 and the care of trauma in the age group of minors, so
3 children's trauma.

4 We are the regional trauma medical center for pediatric
5 care. And as such, we're on call for each of those
6 emergencies.

7 Q. Okay.

8 MR. KENDALL: Your Honor, we would offer Dr. Webb
9 as an expert in the field of pediatric surgery.

10 THE COURT: Any questions?

11 MR. MOORE: No questions, Your Honor.

12 THE COURT: Ladies and gentlemen, usually a person
13 cannot give an opinion. When a person testifies, they must
14 testify to something that they have seen, heard, or sensed,
15 something of that nature. There is an exception when
16 someone is qualified due to their education, experience,
17 knowledge, skill, or training. That person is permitted to
18 give an opinion.

19 This court now qualifies Dr. Webb as an expert in
20 pediatric surgery. That does not mean that you must accept
21 an opinion that he has. You must weigh his opinion, as you
22 would with any other evidence.

23 Yes, sir, solicitor.

24 BY MR. KENDALL:

25 Q. Dr. Webb, did you conduct a surgery on C.D. on

1 May 10th, 2017?

2 A. I did.

3 Q. And how did Mr. C.D. come to you?

4 A. He came to me as a trauma transfer due to the nature of
5 his injury.

6 Q. And what was the nature of his injury?

7 A. He sustained a gunshot wound that was apparently from a
8 shotgun. And due to the nature of that wound, then the
9 initial receiving hospital transferred him appropriately to
10 the pediatric trauma center.

11 Q. And what care did you provide him, based on those
12 injuries?

13 A. The care begins with an initial assessment to guard
14 against any life-threatening injuries and then subsequent
15 surgical treatment. For him surgical treatment involved
16 removal of the projectiles.

17 Q. Okay. And over the course of this surgery was he
18 placed under general anesthesia?

19 A. Yes.

20 Q. And could you -- if you could please just describe the
21 surgery to the jury, please.

22 A. Certainly.

23 After induction of general anesthesia, we were -- we
24 provided a sterile preparation of all of the sites for
25 operating and then explored those sites to remove the

1 projectiles. Multiple of those were in the head, neck, and
2 face region, and the concern regarding these is both their
3 initial injury and subsequent injuries due to the
4 inflammatory nature that they may have. So exploring for
5 those was the intent of the surgery.

6 During that operation we utilized x-ray to identify
7 them and tried to localize those and then explore the areas
8 to remove them.

9 Q. Now, when you talk about inflammation, what are you
10 referring to there? What's the risks?

11 A. Right. So any projectile that penetrates the body can
12 cause direct injury just due to striking a person. However,
13 there can be secondary effects due to the effect of the
14 projectile on the tissues around it causing swelling and
15 thereby inducing secondary injury. The objects can also
16 travel, such as if they erode into a blood vessel and then
17 that will cause further problems as they move to a different
18 area of the body.

19 Q. And were you able to remove all the pellets in this
20 case?

21 A. We were not able to remove them all.

22 Q. Okay. So he still has pellets in him, is that fair to
23 say?

24 A. Yes.

25 Q. Okay. And what are -- I guess the --

1 A gunshot wound like this, is this a potentially fatal
2 injury?

3 A. We treat all gunshot wounds as potentially fatal. If
4 an object is meant to kill a living being, it can kill
5 multiple types of living beings, so all gunshot wounds are
6 treated as lethal.

7 Q. And would a gunshot wound to the head and neck area,
8 would that increase the chances of it being lethal?

9 A. Certainly. They are more vital structures in the head
10 and neck region that are more vulnerable to gunshot wounds.

11 Q. Do you remember how many you were able to remove?

12 A. If I recall, ten, and -- I would have to look at his --
13 review his individual x-rays. I believe he had eighteen
14 present in his body. We were able to remove ten.

15 Q. Okay.

16 A. The others were deemed to be in areas that were less
17 vital.

18 Q. Please answer any questions that the defense attorney
19 may have.

20 THE COURT: Mr. Moore.

21 CROSS EXAMINATION BY MR. MOORE:

22 Q. Good morning, Dr. Webb.

23 A. Good morning.

24 Q. How long did you say that you have been doing this?

25 A. From which point would you like me to measure?

1 Q. I don't know. That's a good question too. I'm asking
2 the questions now. You are answering questions.

3 A. I have been employed in Greenville as a pediatric
4 surgeon since August of 2015.

5 Q. Okay. So that's a good bit of time.

6 When did you graduate from medical school? I guess
7 from that.

8 From your residency in the actual surgery until now,
9 how long?

10 A. Yes, sir. I graduated medical school in 2006. I spent
11 five years in general surgery residency. I spent a year in
12 pediatric colorectal and a year in pediatric surgical
13 critical care and trauma training. And then two years in
14 pediatric surgical training, following which I was employed
15 at the Greenville Health System.

16 Q. Okay. And if you -- and you don't have to be exact
17 here, but can you give an estimate on how many, you know --
18 I guess, first of all, how many surgeries that you
19 conducted, particularly pediatric surgery?

20 A. Somewhere in the range of five thousand.

21 Q. Okay. What about pediatric gunshot wounds?

22 A. Pediatric gunshot wounds, I would say I have treated in
23 the ranges of one hundred to one hundred and fifty.

24 Q. Okay. And what about pediatric gunshot wounds that
25 appear to be, as we discussed, fired from a shotgun

1 regarding pellets and things?

2 A. I don't know if I have that number off of the top of my
3 head.

4 Q. Do you recall having any --

5 A. Yes.

6 Q. -- pediatric pellets performed?

7 A. Absolutely.

8 Q. Okay. You said one of the first things you do -- when
9 you described the processed to the jury, you said one of the
10 first things y'all do is determine if there is any initial
11 life-threatening issues. In this case were there any
12 initial life-threatening issues upon his arrival?

13 A. No, there were no life-threatening issues that required
14 intervention to prevent his death at the moment, correct.

15 Q. Okay. I understand, you know, there is a lot of words
16 and a lot of stuff going on. I just want to make sure. I
17 think in my mind, you know, there is different -- people
18 show up and they -- things have to be done immediately to
19 save their life, and there are other people who come with
20 injuries, and I guess my question is was there any
21 intervention required immediately emergent upon his arrival
22 to prevent his death?

23 A. Nothing immediately prevented his death. The surgery
24 did happen on an emergent basis as a result of his injuries.

25 Q. Got you.

1 And you talked about the nature of head and neck
2 wounds, you know, injuries, and the vital structures there
3 were concentrated than they are in other parts of the body.
4 Were any of those vital structures impacted or injured by
5 the --

6 A. Fortunately no.

7 Q. Okay. Do you remember how he first presented to you?
8 Was he conscious? Was he responsive? Was he able to
9 communicate?

10 A. Yes.

11 Q. Okay. And I know we just narrowed down some of these
12 issues, gunshot wound and then pediatric gunshot wounds and
13 pediatric shotgun-related injuries. In the years that you
14 have done this, how many of those who have had these gunshot
15 wounds related to pellets ultimately led to a fatality?

16 A. Again, a number that I don't keep on the top of my
17 head.

18 We have seen fatalities from these. I'm not sure. In
19 the range of under twenty, probably.

20 Q. You personally had operated on a child who did not
21 survive?

22 A. Or been part of a team.

23 Q. Okay.

24 MR. MOORE: Beg the court's indulgence for just
25 one moment, Your Honor.

1 THE COURT: Sure.

2 (Off the record).

3 (Back on the record).

4 MR. MOORE: No further questions, Your Honor.

5 THE COURT: Anything at all?

6 MR. KENDALL: Nothing further, Your Honor.

7 We would ask the witness be allowed to be excused
8 and thank you for coming.

9 THE COURT: Any objection?

10 MR. MOORE: No objection, Your Honor.

11 THE COURT: Doctor, you may step down. Please be
12 careful and thank you.

13 THE WITNESS: Thank you, sir.

14 THE COURT: Safe travels.

15 MR. KENDALL: Your Honor, at this time the State
16 would call Megan Fletcher from SLED.

17 THE COURT: Okay.

18 SLED AGENT MEGAN FLETCHER, having been first duly
19 sworn, testified as follows:

20 THE WITNESS: I do.

21 THE COURT: Ma'am, tell me your full name and
22 spell your last name for my court reporter, please.

23 THE WITNESS: It's Megan Fletcher,
24 F-L-E-T-C-H-E-R.

25 THE COURT: Thank you.

1 Solicitor.

2 DIRECT EXAMINATION BY MR. KENDALL:

3 Q. Megan -- Ms. Fletcher, where are you currently
4 employed?

5 A. I'm employed by the South Carolina Law Enforcement
6 Division in the forensics services laboratory and the trace
7 evidence laboratory.

8 Q. Okay. And what are your responsibilities in the trace
9 evidence laboratory?

10 A. I perform a variety of different analyses, including
11 gunshot residue, fire debris, paint, fibers, glass,
12 explosives, duct tape, and general chemical physical
13 unknowns.

14 Q. And what sort of training did you have to undergo to
15 work in the SLED laboratory?

16 A. I have my Bachelor's Degree from Chatham College in
17 Biochemistry and English.

18 I also have a Masters Degree emphasizing in forensic
19 chemistry and computer forensics from Marshall University.

20 I also underwent an in-house training program for all
21 the disciplines in which I'm deemed competent to analyze,
22 specifically for gunshot residue.

23 I underwent about a year-long training program that
24 consisted of oral, practical, and written examinations,
25 where I had to analyze mock samples or made-up samples, as

1 well as work under another qualified analyst on actual case
2 work samples.

3 Q. Okay. And approximately how many gunshot residue
4 samples have you analyzed over the course of your career?

5 A. I have analyzed probably close to two hundred cases,
6 which would be about eight hundred samples.

7 Q. Okay.

8 MR. KENDALL: Your Honor, at this time we would
9 offer Ms. Fletcher as an expert in the field of gunshot
10 residue and gunshot residue analysis.

11 THE COURT: Any questions?

12 MR. MOORE: No, sir, Your Honor.

13 THE COURT: Again, ladies and gentlemen, the court
14 now qualifies this witness as an expert witness in gunshot
15 residue and analysis. You may give whatever weight to her
16 testimony you deem appropriate.

17 Solicitor.

18 BY MR. KENDALL:

19 Q. Ms. Fletcher, I'm going to show you what is marked
20 State's Exhibit 10. Do you recognize this?

21 A. I do recognize this. This is a GSR kit. This is SLED
22 lab L-18-05492, Item No. 1.

23 I recognize it also because my initials appear right
24 here and it appears to be a GSR kit from Allen Charron
25 Williams, Jr..

1 Q. Okay. And how did this kit come to you?

2 A. May I refresh my notes, please?

3 Q. Yes.

4 A. When this item was received into the laboratory, it was
5 taken in by our evidence control department. It was then
6 transferred to our forensic technician in the trace evidence
7 department, who notated at the time of opening that the
8 container, this heat-sealed pouch, was sealed and initialed,
9 and the GSR kit, the envelope inside of this pouch, was also
10 sealed and initialed.

11 Q. Okay. And are those -- is that the proper way in which
12 a GSR kit should come to you?

13 A. Yes, sir, it is.

14 Q. It's in compliance with the standards set when you get
15 to test these?

16 A. Yes, sir.

17 Q. Okay. And after testing, what did you all do with it
18 after that?

19 A. After it was inventoried, I -- the technician actually
20 put it in a secured storage area. I then took it from that
21 secured storage area and put it on an instrument called a
22 scanning electron microscope with electron dispersive x-ray
23 detector. So really that's just a very powerful microscope
24 that allows me to see very small particles and it also
25 allows me to determine what's inside of those particles.

1 So in the case of gunshot residue, I'm looking for a
2 very small particle that contains the elements lead, barium
3 and antimony, which are the three primary components of the
4 gunshot primer residue mixture that is found in cartridges.

5 Q. Okay. And is it fair to say these particles are pretty
6 small at this point?

7 A. These particles are pretty small.

8 Inside of this gunshot residue kit there is a
9 collection lift. It looks like a small stamp. It's
10 circular in nature. If each one of those stamps was the
11 size of two football fields, I'm looking for a particle that
12 is roughly the size of a pea.

13 Q. Okay. And once you get that, once you look at the
14 stamps, what do you do with them then? Is that when you put
15 them underneath the microscope?

16 A. Yes, they are under -- I put them under the microscope.
17 I set up an automated analysis so the instrument is going to
18 move around the particle lift and it's going to classify any
19 particles that contain the elements lead, barium and
20 antimony.

21 The next day I then go back and I actually look at the
22 data. I don't let the instrument tell me what it is. I go
23 back, I look at the particles themselves. I determine
24 whether they are molten or not. Particles that are
25 characteristic of gunshot primer residue are molten in

1 nature.

2 So once I have determined that it's --

3 Q. I'm sorry, what does this molten mean?

4 A. The edges are rounded. It looks like it's been
5 subjected to high heat or pressure. Most of the time they
6 are little spherical or round, but in general the edges are
7 rounded, as opposed to something that looks like an ice
8 crystal or an ice cube.

9 Q. Okay. This might be a good time. What is gunshot
10 residue? What are -- what are we talking about here? What
11 is considered gunshot residue? Where is that? Where does
12 that come from?

13 A. The gunshot residue is everything that comes out of the
14 gun. That includes the smoke, the fire, the bullet itself,
15 fragments of the bullet, as well as -- as well as gunshot
16 primer residue.

17 What we are actually looking for is gunshot primer
18 residue. This is the residue that is generated from the
19 primer mixture of the cartridge. It's composed of lead,
20 barium and antimony, the characteristic particles are, and
21 they are molten in nature.

22 Q. Okay. And how would one get this gunshot residue on
23 them? What's the most common way to get gunshot residue on
24 them, the easiest way?

25 A. There are three ways that you could get it on you. You

1 could shoot a gun. You could be in the vicinity to the
2 discharge of a gun, or you could handle something that has
3 gunshot residue on it.

4 Q. Okay. And so when you say shoot a gun, in the vicinity
5 of shooting a gun, how close are we talking about? I guess,
6 if we're, you know, a hundred yards apart, is it likely
7 gunshot residue would end up on your hands at that point?

8 A. I -- if you were a hundred yards apart, a hundred yards
9 is very far away. That would not typically happen.

10 I think that sixty meters is about as far out as it's
11 gone in any study and that's because it travels with the
12 bullet. So that would be sixty meters in front of the
13 muzzle of the gun, not from the sides or from the back.

14 Q. Okay. So in that sort of situation, do we get gunshot
15 residue sort of as it's coming with the bullets, is that
16 fair to say?

17 A. Yes.

18 Q. So it would be likely to hit the target and it would be
19 some gunshot residue around there as well?

20 A. Yes.

21 Q. Okay. And you said a moment ago that you could get it
22 by handling stuff. Could you kind of describe that briefly
23 to us?

24 A. You can get gunshot residue by touching things that
25 have gunshot residue on it. So that the most typical thing

1 that you would get it from is touching a gun that's been
2 recently fired, or a dirty gun, one that hasn't been cleaned
3 in quite awhile.

4 You could also get it from touching any area where
5 somebody who has recently fired a weapon has touched. So if
6 somebody fired a weapon and got into a vehicle and touched
7 the steering wheel, you could then conceivably pick it up
8 from that steering wheel.

9 Q. And how long would it typically stick around? Is it --
10 is gunshot residue something that's going to sort of stay
11 there forever, or is it something that is fairly transient
12 in nature, it kind of blows away and stuff like that?

13 A. On a living person gunshot residue is typically going
14 to stay no more than four to six hours.

15 Our time limit that we even test in the laboratory is
16 six hours, so we will not test a sample on a living person
17 that's been collected after six hours. And that's because
18 gunshot residue is so easily transferred, so easily washed
19 away. You can wipe your hands on your pants and remove it.
20 You can touch a doorknob and remove it. And after six hours
21 we just can't tie it back to an original incident.

22 Q. Okay. And so in this you talk about ways it can come
23 off of you. And if you could describe, highlight again what
24 some of those ways were, how gunshot residue can literally
25 come off your hands?

1 A. The easiest way is to wash your hands. You could put
2 your hands inside your pockets. You could wipe your hands
3 on your pants. If you were sweating profusely, it would be
4 easily removed by the -- by the sweat itself. If your hands
5 are covered in dirt or debris. Those are typical ways.

6 Q. Okay. So is it fair to say that there are quite a
7 number of situations where someone could fire a weapon and
8 even a short time later not have any gunshot residue on
9 their hands?

10 A. That is fair to say.

11 Q. Okay. And that's -- with -- I guess with that in mind,
12 not in every case where somebody fires a gun do you have
13 gunshot residue, is that fair to say, when you test it, when
14 it ultimately is given to you?

15 A. It largely depends on the type of weapon used and the
16 time in between the collection and the shooting, but just
17 because somebody fired a gun does not mean that I will find
18 gunshot residue on somebody's hands.

19 Q. All right.

20 And you talked about transferring it awhile ago. I
21 just want to be forthright with the jury. It's possible
22 just to transfer it onto something else, is that fair to
23 say?

24 A. Yes.

25 Q. And what sort of things could it transfer from?

1 A. So if somebody is around the gun on a typical basis,
2 say police officers, if they have handled their gun and the
3 gun is not cleaned, then they may be able to transfer it to
4 an individual. That is one way.

5 It may come from handcuffs or from the seat of a patrol
6 car. Those are some ways that you could transfer in this
7 situation.

8 Q. And would the same rule apply to transfer it to other
9 things, that it doesn't stick around forever and things like
10 that? It becomes less likely to tie it back after time, is
11 that fair to say?

12 A. Yes, at the moment a transfer, the six-hour clock would
13 then set in.

14 Q. Okay. Going back to what we were talking about in your
15 testing, in this particular case did you look at this under
16 the microscope?

17 A. I looked at it under the scanning electron microscope,
18 yes.

19 Q. And what did you determine from that scan? What did
20 you find?

21 A. I found one particle that is characteristics of gunshot
22 primer residue.

23 Q. Okay. And what does that ultimately --

24 And to be clear, that was from the kit that was from
25 Mr. Williams, is that correct?

1 A. Yes, the kit was collected from Allen Charron Williams,
2 Jr..

3 Q. Okay. And so what did that, finding that particle,
4 tell you, in your expert opinion?

5 A. That it could have come from one of the three
6 scenarios. This individual may have discharged a firearm,
7 been in the vicinity to the discharge of a firearm, or come
8 into contact with something that had gunshot residue on it.

9 Q. Okay. And to be clear, he did have that? That came
10 from his hands, is that correct?

11 A. Yes, sir.

12 Q. Okay. Once you were completed -- once you were done
13 with your testing, what do you do with it after that?

14 A. I write up my case file. I send my case file, along
15 with the report, to a technical reviewer. They either agree
16 or disagree with my opinions. And then if everything is per
17 protocol and they agree with the opinion, then that report
18 is issued to the submitting agency. The GSR kit is then
19 sealed up and returned to the submitting agency.

20 Q. And on State's Exhibit 10, with the exception of this
21 marking here that indicates that it's been opened and
22 resealed, was it otherwise sealed?

23 A. The initial seal is this blue seal at the top.

24 This seal that I created when I was returning the
25 evidence is this seal with my initials and the date of July

1 10th, 2018.

2 Q. And with the exception of that blue tape that was
3 subsequently opened, does that appear to be in the same
4 condition in which you sent it back?

5 A. It does.

6 MR. KENDALL: Your Honor, we would offer State's
7 Exhibit 10 into evidence.

8 THE COURT: Any objection?

9 MR. MOORE: No objection, Your Honor.

10 THE COURT: 10 is without objection.

11 (Whereupon, State's Exhibit No. 10 was entered
12 into the record as evidence)

13 BY MR. KENDALL:

14 Q. Please answer any questions Mr. Moore may have.

15 A. Yes, sir.

16 THE COURT: Mr. Moore.

17 CROSS EXAMINATION BY MR. MOORE:

18 Q. All right. Good morning.

19 I'm sorry, I can't -- Megan. I can't remember your
20 last name.

21 A. Fletcher.

22 Q. Fletcher. Okay. It's Agent -- it's SLED Agent
23 Fletcher.

24 A. That's just fine.

25 Q. Okay.

1 So I have a couple questions and one of them was
2 actually -- I hadn't thought about it until I heard you
3 testify, so I'm going to start with that because it was new
4 to me. You said that gunshot primer residue, the amounts of
5 it potentially found could be different, depending on the
6 type of weapon?

7 A. Yes, sir.

8 Q. So how could it be different?

9 I'm assuming you are talking handguns versus rifle
10 versus pistol versus automatic versus -- I mean, I don't
11 know.

12 A. The amount that's deposited on the individual shooting
13 would differ based on the caliber, the condition of the gun,
14 a shotgun versus a revolver versus a semiautomatic. A
15 revolver has more potential to deposit on a hand than a
16 semiautomatic. And when you get into a long gun, like a
17 rifle or a shotgun, the amount of GSR that's transferred to
18 the individual shooting becomes even less, because the
19 majority is going out the muzzle, which is further away from
20 the hands of the shooter.

21 Q. Right.

22 What about -- does gunshot residue only come out the
23 muzzle of the weapon, or does it also come out the opening
24 there at the actual breech and where the ammunition goes in?

25 A. Any opening in the gun. So, again, it's up to the gun

1 itself and where it's going to come out.

2 In a revolver it would be out of the cylinder gaps, as
3 well as the muzzle.

4 In a semiautomatic, the ejector port.

5 In a shotgun, again, the ejector port and the muzzle.

6 Q. Right.

7 And -- I mean, most shotguns I would assume have a
8 place where you load the cartridge, particularly from the
9 bottom, and have the place where the cartridge is ejected
10 and have the muzzle. So all three of those areas would be
11 where gunshot primer residue could exit?

12 A. Definitely where it's ejected and definitely the
13 muzzle. It would -- I'm not sure about where you would load
14 it, whether that would be open during the firing --

15 Q. Okay.

16 A. -- of the -- of the weapon.

17 Q. Is there anything, any part of your analysis that can
18 determine what type of weapon the gunshot residue came from?

19 A. No, sir.

20 Q. Is there any way to tell, based off your analysis -- I
21 know you talked about the three major categories --

22 Sorry about the train.

23 I know you talked about the three major categories for
24 having gunshot residue or shooting it, being in the vicinity
25 of a shot, or actually having it transferred from a weapon

1 or somebody else, but are there any -- are there any other
2 ways of getting it besides those?

3 A. Those are the three main ways to get it.

4 Q. But there is no way in your analysis to tell which one
5 of those ways it was?

6 A. No, sir.

7 Q. In this particular case were both hands, I'm assuming,
8 tested?

9 A. The right palm, the right back of the hand, the left
10 palm, and the left back of the hand were all tested.

11 Q. Okay. And as a result of that testing, you said that
12 one particle was found?

13 A. That's correct.

14 Q. And can you give us the size of that particle again?
15 It's hard to kind of imagine. I know -- I'm not asking for
16 like, you know, a scientific measurement. I'm asking about
17 relative example that you gave.

18 A. So, if the particle lift were the size of two football
19 fields, I'm looking for a particle that's roughly the size
20 of a pea.

21 Q. Okay. In this particular case you found one particle,
22 is that correct?

23 A. That's correct.

24 Q. And is there -- is there any lesser amount that can be
25 found?

1 A. No particles.

2 Q. That's what I was assuming.

3 A. Yes.

4 Q. I didn't know if there were half particles or --

5 A. No, sir.

6 Q. Okay. So this is the bear minimum amount that could
7 possibly be found as part of your analysis?

8 A. That's correct.

9 Q. The only thing below this is no gunshot residue?

10 A. Correct.

11 Q. Do you remember what part of the hand this one particle
12 was found on?

13 A. Could I refer to my notes?

14 Q. Absolutely.

15 A. This particle was found on the left palm of the hand.

16 Q. All right.

17 And this incident allegedly occurred on May 9th or
18 10th, 2017. What day did you do your analysis?

19 A. I performed my analysis, the automated run started on
20 July 6th, 2018.

21 Q. So that's about a year and two months later?

22 A. Correct.

23 Q. And is that typical timing from incident to analysis?

24 A. That's pretty typical.

25 Q. Okay. So the collection has to happen within four to

1 six hours, but the testing could happen years later?

2 A. Correct. The evidence, once it's collected, is not
3 going to be removed from that, from the particle lift
4 itself.

5 Q. And I don't have a whole lot of experience with gunshot
6 residue, so in my mind, and tell me if this is correct or
7 not, just the way I kind of see it, it's sort of like one of
8 those like videos, like a slow motion sneeze? I mean, is
9 that basically what's happening? It's like this goes
10 everywhere at the time of it being fired, particularly out
11 of the points you are talking about?

12 A. Yeah, it looks like a -- it's sort of a cloud of smoke.
13 Typically you are not going to see the individual particles.
14 Mostly what you are going to see when it's fired is this
15 cloud of smoke to the front of the -- or towards the target.
16 It will go -- I believe I misspoke earlier and said sixty
17 meters. It's eighteen meters, which is roughly sixty feet.
18 It can go out three to five feet to each side, or three to
19 five feet behind as well from the shooter.

20 Q. Okay. And is there any -- based off -- not -- I know
21 you didn't do it in this case and it's not about this case,
22 but just in general, since you're an expert in GSR analysis,
23 is there a typical -- or has studies shown that there is a
24 range of these particles that come out from the average
25 firing of a gun? I mean, do we fire a gun and there are

1 fifty of these? Are there a million of these? Is there any
2 type of evidence of that kind of stuff?

3 A. There is not really any studies that show exactly how
4 many particles that are distributed out of the gun and
5 that's largely due to the fact that an individual gun is
6 going to disperse a certain number of particles with a
7 certain ammunition. You use a different ammunition, or even
8 a different cartridge, you could have a complete different
9 number of particles present. So it is so based on the type
10 of weapon and the type of ammunition, that it's just not
11 possible to say on average this is what should be there.

12 Q. Right.

13 And is there -- I guess -- is there kind of -- based
14 off other cases -- how many cases have you analyzed in your
15 experience?

16 A. Roughly two hundred.

17 Q. Okay. Is there a point in the analysis that you kind
18 of say this is a positive test, we are just cutting off
19 because we have already found "x" number of particles in
20 this kit?

21 A. It's mostly case by case dependent, but, yeah, we do
22 have a certain number of particles that at a certain point
23 we can say that it's any -- saying it's any more positive
24 isn't going to change the opinion.

25 Q. Right.

1 And how many would that be?

2 A. It would be -- I mean, eight particles give a good idea
3 of what's on the hands.

4 It still can't tell you whether somebody shot or
5 handled something or was in the vicinity. That's just what
6 we would confirm.

7 Q. Right.

8 So just to clarify, this was one particle. What part
9 of the hand? Left palm?

10 A. Yes.

11 Q. Okay. And I believe you just testified that they are
12 so easily transferred, and you mentioned situations like I'm
13 assuming officers service weapons, handcuffs, things like
14 that also have these particles?

15 A. There are a number of studies that indicate that they
16 are present within those studies and it is possible to
17 transfer of those particles to happen.

18 Q. And are you aware of anybody else related to this case
19 was tested for GSR?

20 A. This is the only item that I received in this case.

21 Q. Okay.

22 MR. MOORE: Just one moment, Your Honor.

23 THE COURT: Yes, sir.

24 (Off the record).

25 (Back on the record).

1 MR. MOORE: No further questions, Your Honor.

2 THE COURT: Anything at all?

3 MR. KENDALL: Yes, sir, Your Honor.

4 REDIRECT EXAMINATION BY MR. KENDALL:

5 Q. You testified a moment ago --

6 Mr. Moore asked you about a bunch of different kind of
7 guns, and I just wanted to sort of clarify, so I'm not sure
8 everybody understood kind of what you were talking about in
9 that situation.

10 A. Okay.

11 Q. So sort of if you could describe what a revolver is?

12 A. A revolver is a weapon that has a certain number of
13 cartridges that spin around in a circle to be shot.

14 Q. Sort of like a cowboy type?

15 A. Sort of, yeah.

16 Q. Okay. And on those types of guns, are like the
17 cylinders like encased? Are they like closed off or
18 anything?

19 A. They are open to the environment.

20 Q. Okay. And so what about like a shotgun?

21 Let's start with like an over-under shotgun. In that
22 case are those cylinders open to the environment?

23 A. I'm not familiar with that type of weapon.

24 Q. Or let's say just a shotgun in general. What --
25 typically speaking where are the openings in a shotgun?

1 A. The openings that I'm aware of are the ejector port and
2 the muzzle.

3 Q. Okay. And where is the ejector port located?

4 A. It should be somewhere along the barrel or towards the
5 handle, but I'm not very familiar.

6 Q. Okay. I guess what I'm really trying to get at is on
7 the GSR, for GSR purposes, where does the GSR come out of?

8 A. The majority of it comes out the muzzle.

9 Q. Okay. So the primary where the GSR is coming out, it's
10 coming out the muzzle?

11 A. Correct.

12 Q. And on a long gun, that's farther away than a short
13 gun, is that fair to say?

14 A. That's correct.

15 Q. Okay. Where are the secondary parts where things are
16 ejected from?

17 A. That would be the ejector part -- or the ejector port.
18 That would be where you would get the secondary amounts of
19 gunshot residue.

20 Q. Okay? On your -- the revolver, the cowboy gun, what
21 about in that case? It doesn't have an ejector port.

22 A. Through the cylinder gaps.

23 Q. Okay. And so it kind of depends on what kind of gun
24 that you have as to where the secondary stuff comes out, is
25 that fair to say?

1 A. That's correct.

2 Q. A shotgun is going to come out, most of it out of the
3 barrel?

4 A. Correct.

5 Q. And some of it out of the ejector port, is that fair?

6 A. Correct.

7 Q. How many particles do you guy test for? Like if -- is
8 there a like a cutoff point for particles?

9 A. We don't have one per protocol.

10 Q. Okay. What would be like a lot of particles?

11 A. A good amount or an average amount on a very positive
12 sample would be eight.

13 Q. Okay. So out of that whole football field and all
14 these football fields like, on what you are hoping for is
15 four peas or, eight peas, right?

16 A. I'm sorry? Yes, eight peas, yes.

17 Q. Okay. Okay.

18 MR. KENDALL: Nothing further, Your Honor.

19 THE COURT: Anything?

20 MR. MOORE: Very briefly.

21 RECROSS EXAMINATION BY MR. MOORE:

22 Q. A question about muzzle ejector ports, real quick.

23 A. Okay.

24 Q. A shotgun, the ejector ports are typically located on
25 the right side of the weapon, is that correct?

1 A. I'm not familiar enough with -- to be able to answer
2 that.

3 Q. Okay. But just to clarify, this was found on the palm
4 of his left hand, not the outside, is that correct?

5 A. It was found on the left palm of the left hand.

6 Q. Okay. Thank you.

7 THE COURT: Thank you, ma'am. You may step down
8 please be careful.

9 MR. KENDALL: I need a moment to type up that
10 stipulation.

11 THE COURT: Is she released?

12 MR. KENDALL: Yes, sir.

13 THE COURT: Any objection?

14 MR. MOORE: No objection, Your Honor.

15 THE COURT: Agent, you may stay or go, whichever
16 you may choose.

17 MR. KENDALL: I need a couple of minutes to type
18 it up.

19 THE COURT: Yeah.

20 Is there everybody need a break?

21 MR. KENDALL: No, sir, Your Honor, that would be
22 it.

23 THE COURT: Madam Forelady and ladies and
24 gentlemen, he needs to type up something called a
25 stipulation. We are going to get that to you momentarily,

1 but I'm not going to have you just sit there while he does
2 that, so let's just go ahead and take a quick break this
3 morning. If you want to refresh yourselves, there is water,
4 there is coffee. Restrooms are right there. Give us about
5 ten, twelve minutes and we would like to bring you right
6 back in.

7 Don't talk about the case. It's not over.

8 Yes, ma'am.

9 (The following takes place outside the presence of
10 the jury panel)

11 (Whereupon, proceedings were recessed)

12 (Whereupon, proceedings were reconvened)

13 THE COURT: Okay. Ready? Back on the record?

14 MR. KENDALL: Yes, sir, Your Honor.

15 THE COURT: Okay. Solicitor.

16 MR. KENDALL: Your Honor, the parties have
17 agreed -- the State is winding up its case. The parties
18 have agreed to a stipulation with regards to State's
19 Exhibit 9, the drugs, to be published to the jury.

20 We also have agreed to go ahead and just put
21 State's Exhibit 9 into evidence. Those were the narcotics
22 we discussed the other day. And after that we are not going
23 to introduce any more evidence. We are going to be
24 effectively resting.

25 THE COURT: Okay.

1 Any objection to the stipulation?

2 MR. MOORE: No, sir, Your Honor.

3 Mr. Williams and I have discussed the stipulation.
4 He's read the actual facts that we are stipulating to. He's
5 familiar with it.

6 As I mentioned earlier, we have had an opportunity
7 to hear the testimony of this witness previously and
8 cross-examine him, so that's why we are willing to stipulate
9 to this fact. He has reviewed the stipulation of fact form
10 she and I have both signed here in the courtroom, so no
11 objection.

12 THE COURT: Okay.

13 MS. LESKANIC: Your Honor, we just offer State's
14 Exhibit 9 for admission as evidence.

15 MR. MOORE: Without objection?

16 THE COURT: It's without objection. It is
17 admitted, and we will put all this back on in front of the
18 jury when they come in and I will read the stipulation to
19 them as you move them in in front of the jury.

20 MS. LESKANIC: Thank you, Your Honor.

21 THE COURT: Okay. All right.

22 The State is now rested, is that right?

23 MR. KENDALL: Yes, sir.

24 THE COURT: All right.

25 Mr. Moore?

1 MR. MOORE: Yes, sir, Your Honor.

2 At this time the defendant would move for a
3 directed verdict regarding the indictment he's currently
4 before the court. The basis for the defendant's motion is
5 the fact that there was no evidence presented by the State
6 that showed the defendant had the specific intent to murder
7 or kill anybody in this situation.

8 You know, even when viewed in the light most
9 favorable to the State, there was no testimony regarding
10 injuries to Douglas Rising. There is no -- he didn't even
11 testify in this case, wasn't even present for the trial.

12 There is no information regarding injuries to
13 W.D. [REDACTED] resulting from this incident.

14 And particularly there was no evidence from the
15 State that Mr. Williams ever intended to kill C.D. [REDACTED].

16 So the defendant's motion for directed verdict is
17 based on the fact even once you look at the evidence they
18 have presented, there is no evidence that he had the
19 specific intent to commit the murder of those three
20 individuals.

21 THE COURT: Solicitor?

22 MR. KENDALL: He discharged a firearm into a
23 pickup truck that was occupied by two people in the cab of
24 the truck. There was one person in the back. It hit the
25 child in the head and neck area resulting in serious

1 injuries requiring medical attention. It could have been
2 lethal.

3 The fact he didn't hit somebody else -- there is
4 no requirement in attempted murder that any sort of injury
5 actually occurs, just the attempt of it.

6 The State contends the use of a deadly weapon when
7 fired into a vehicle could give rise that he intended to
8 kill them. You shoot a deadly weapon at somebody, I think
9 it's -- someone actually acting, your intention is to kill
10 them. And he got close enough with that deadly weapon. It
11 was not shot in the air. It was not shot in the ground. It
12 actually hit the pickup truck.

13 In addition, Your Honor, I think we saw evidence
14 suggesting that it was premeditated, what was described as
15 his behavior immediately before this, him pursuing the truck
16 as he fired the weapon into it.

17 I think in the light most favorable to the State
18 we have established and we've met our burden that he did, in
19 fact, intend to kill the occupants of that truck.

20 The fact that he only hit one of them I don't
21 think is, standing alone, insufficient to send it back. He
22 was trying to kill all of them, particularly shooting them
23 with a shotgun into a vehicle.

24 I think based on all the evidence favorable to the
25 State, I believe we have met our burden in this case, Your

1 Honor.

2 THE COURT: The court does not weigh the evidence.
3 The court considers whether there is any evidence, and the
4 court denies the motion for directed verdict on all three of
5 the attempted murders. There is a question of fact as to
6 what his criminal his criminal intent was. That, as we
7 know, is a question for the finders of fact.

8 Anything else, Mr. Moore?

9 MR. MOORE: No, sir, Your Honor.

10 THE COURT: Okay. Does your client intend to
11 testify?

12 MR. MOORE: No, sir, Your Honor.

13 THE COURT: Okay. Sir, would you stand and be
14 sworn, please?

15 ALLEN C. WILLIAMS, JR., having been first duly
16 sworn, testified as follows:

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Sir, we are at the point in this trial
19 where you may present your own defense.

20 You have the right to claim the protections given
21 to you by the Fifth Amendment to the Constitution of the
22 United States, which states, in part, no person shall be
23 compelled in any criminal case to be a witness against
24 himself.

25 Additionally, you have the right to claim the

1 resume your deliberations.

2 (Whereupon, at 3:38 p.m., the jury panel returned
3 to the jury room to continue deliberations)

4 THE COURT: For the record, anything from the
5 State or defense?

6 MR. KENDALL: No, sir. I think that's probably
7 the best we could do is to explain it to them.

8 MR. MOORE: Yes, sir.

9 (Whereupon, at 3:39 p.m., proceedings were
10 recessed, pending the verdict of the jury panel)

11 (Whereupon, at 4:40 p.m., proceedings were
12 reconvened)

13 THE COURT: I'm told we have a verdict.
14 We ready?

15 MR. MOORE: Yes, sir, Your Honor.

16 THE COURT: Everybody ready?

17 MR. KENDALL: Yes, sir, Your Honor.

18 THE COURT: We will have the jury.

19 (Whereupon, at 4:41 p.m., the jury panel returned
20 to open court to report its verdict)

21 THE COURT: Madam Forelady, has the jury reached
22 its verdict?

23 JURY FOREPERSON: We have, Your Honor.

24 THE COURT: If you would give that to the bailiff,
25 please?

1 Madam Clerk, if you will publish the verdict.

2 THE CLERK: 2017-GS-11-1483, State of South
3 Carolina versus Allen Charron Williams, Jr., we, the jury,
4 unanimously find the defendant Allen Charron Williams, Jr.,
5 on the charge of attempted murder not guilty.

6 We, the jury, unanimously find the defendant Allen
7 Charron Williams, Jr., on the charge of assault and battery
8 of a high and aggravated nature, guilty.

9 We, the jury, unanimously find the defendant,
10 Allen Charron Williams, Jr., on the charge of possession of
11 a weapon during commission of a violent crime, guilty.

12 Signed by foreperson Savannah Wilkins.

13 2017-GS-11-1484, State of South Carolina versus
14 Allen Charron Williams, Jr., we, the jury, unanimously find
15 the defendant, Allen Charron Williams, Jr., on the charge of
16 attempted murder of Douglas Scott Rising, not guilty.

17 We, the jury, unanimously find the defendant,
18 Allen Charron Williams, Jr., on the charge of assault and
19 battery in the first degree, guilty.

20 Signed by foreperson Savannah Wilkins.

21 2017-GS-11-1485, State of South Carolina versus
22 Allen Charron Williams, Jr., we, the jury, unanimously find
23 the defendant, Allen Charron Williams, Jr., on the charge of
24 attempted murder of W.D. not guilty.

25 We, the jury, unanimously find the defendant,

1 Allen Charron Williams, Jr., on the charge of assault and
2 battery in the first degree, guilty.

3 Signed by foreperson Savannah Wilkins.

4 Ladies and gentlemen of the jury, if this is the
5 verdict of you all, please indicate by raising your right
6 hand. Thank you.

7 THE COURT: Polling? Anything from the State?

8 MR. KENDALL: No, sir, Your Honor.

9 MR. MOORE: Defendant would like the jury polled,
10 Your Honor.

11 THE COURT: All right.

12 THE CLERK: When I call your name, please raise
13 your right hand.

14 Juror 139, Savannah Wilkins, is this your verdict?

15 JUROR NUMBER 139: Yes.

16 THE CLERK: Okay. Thank you.

17 Juror 70, Karen Lydon, is this your verdict?

18 JUROR NUMBER 70: Yes.

19 THE CLERK: Juror 84, Jeanette Mullinax, is this
20 your verdict?

21 JUROR NUMBER 84: Yes, ma'am.

22 THE CLERK: Juror 29, Franchisa Dawkins, is this
23 your verdict?

24 JUROR NUMBER 29: Yes, ma'am.

25 THE CLERK: Juror 69, Jeffrey Long, is this your

1 verdict?

2 JUROR NUMBER 69: Yes, ma'am.

3 THE CLERK: Juror 52, Rickey Helms, is this your
4 verdict?

5 JUROR NUMBER 52: Yes, ma'am.

6 THE CLERK: Thank you.

7 Juror 131, Kevin Upchurch, is this your verdict?

8 JUROR NUMBER 131: Yes, ma'am.

9 THE CLERK: Juror 106, David Ruppe, is this your
10 verdict?

11 JUROR NUMBER 106: Yes, ma'am.

12 THE CLERK: Juror 136, Joe Wheeler, is this your
13 verdict?

14 JUROR NUMBER 136: Yes.

15 THE CLERK: And juror 51, Jason Hawkins, is this
16 your verdict?

17 JUROR NUMBER 51: Yes, ma'am.

18 THE CLERK: Juror 59, Deborah Johnson, is this
19 your verdict?

20 JUROR NUMBER 59: Yes, ma'am.

21 THE CLERK: Juror 60, Gregory Jones, is this your
22 verdict?

23 JUROR NUMBER 60: Yes, ma'am.

24 THE CLERK: Is there anyone I did not call your
25 name?

1 (No response)

2 THE CLERK: All right.

3 THE COURT: Anything else from the State?

4 MR. KENDALL: No, sir, Your Honor.

5 THE COURT: From the defense?

6 MR. MOORE: No, sir, Your Honor.

7 THE COURT: Okay.

8 Madam Forelady and ladies and gentlemen, thank you
9 so much for your service. I have got some indictments,
10 Madam Forelady, you will have to sign. I'm going to hand
11 these to Madam Clerk. She's going to write those on there
12 and if you will sign those, and I'll just pause right here.

13 THE CLERK: This is going to conclude your service
14 this week. Thank you. You played a very important role
15 into the judicial system, so we thank you for being here
16 today. I know for somebody it's a hardship, because you
17 wasn't at work, you were not getting paid, but I can't thank
18 you enough. And the judge will tell you, this is just a
19 small token. You are worth way more to us than what this
20 pay voucher is going to show on it, but the top sheet is
21 your pay voucher. You can take that to the county
22 administration building. You may not can get over there
23 today by five, but you will take that to the treasurer's
24 office and they will pay you for your service this week in
25 cash. So make sure that you hang onto it. It's not a

1 check. It is a pay voucher. You will have to take it there
2 to get to your payment for services and the bottom sheet is
3 your work excuse.

4 THE COURT: Let me say one thing.

5 THE CLERK: Okay.

6 THE COURT: Before she gives you the pay voucher,
7 because she's going to be excusing you, I too want to thank
8 you for your service.

9 I also want to invite you to stay, if you would
10 like, but not in the jury box, because I'm going to move to
11 sentencing. I have been asked before by jurors which stay
12 with us a long time during a trial, they just kind of want
13 to see everything to an end, so once she gives you the pay
14 vouchers, you will be free to go, except for you, Madam
15 Forelady. You have got to sign the indictments, but
16 everyone else would be free to go. But if you would like to
17 stay, please just drop your badge on that table right there
18 and then just have a seat in the gallery out here, because
19 we are going to proceed to motions and sentencing.

20 (Off the record).

21 (Back on the record).

22 (Whereupon, the jury panel was discharged)

23 THE COURT: Solicitor?

24 MR. KENDALL: Your Honor, this is Mr. Williams, of
25 course. He does have a criminal history. I know the victim

1 in the case would like to address the court at the
2 appropriate time.

3 Starting first with his criminal history, Your
4 Honor. From 2012, assault and battery in the third degree.

5 Unlawful transportation of nonferrous metals.

6 Petit larceny.

7 False information from 2012.

8 2013, assault and battery in the third degree.

9 2014, manufacturing, distribution, or possession
10 with intent to distribute methamphetamine.

11 2015, public disorderly conduct.

12 Assault -- excuse me. Assault and battery by a
13 mob in the third degree.

14 It looks like also from 2015, a simple possession
15 of methamphetamine or cocaine base.

16 From out of state, I believe it was from Florida,
17 Your Honor, from 2008, trespass of structure or conveyance.

18 2009, possession of cocaine.

19 Possession of a controlled substance without a
20 prescription.

21 I believe that's it, Your Honor.

22 The victims' mother is here and she would like to
23 address the court.

24 The State would also ask as part of any sentence,
25 just so I don't forget, that any sentence include no contact

1 with the victims, specifically, obviously, the child. I
2 want to make sure that there is absolutely no contact.

3 If it's all right if she could go ahead and
4 address the court now?

5 THE COURT: Just a minute. I'm going to hear from
6 you, ladies last, if you just hold on a little bit.

7 Yes, sir, Mr. Moore.

8 MR. MOORE: Yes, sir, just briefly, Your Honor.

9 Obviously I'm not going to discuss any of the
10 facts. That's what we have done for the last two days.

11 He has been in jail for 618 days, which I believe
12 he's entitled to credit under the law for that time on any
13 sentence the court would impose.

14 You know, he's 29 years old, not married, doesn't
15 have any children.

16 His mother is here in the courtroom. She has been
17 here throughout the trial in support of him.

18 You know, he does have a drug history, it sounds
19 like, some assault and battery third degree in magistrate
20 court, but prior to this no issues with violent crimes or
21 violent tendencies or firearms, but he accepts the verdict
22 of the jury and just asks the court to have as much mercy on
23 him under the circumstances as possible, Your Honor.

24 THE COURT: Sir, would you like to speak?

25 THE DEFENDANT: Yes, sir.

1 I just want to say I accept the verdict from the
2 jury. Let the victims know I'm not holding no hard feelings
3 or nothing. I just wish the court would have as much mercy
4 as possible. Thank you.

5 THE COURT: All right.

6 Solicitor, I will be happy to hear from the
7 ladies.

8 TAMMY RISING: My name is Tammy Rising and I'm
9 C.D.'s mom. You got to meet him yesterday.

10 C.D. is a very good boy and I'm very proud of
11 him. He was very brave yesterday.

12 I know you guys got to see that part of him, but
13 what you don't get to see is that we have to take him to
14 counseling every week and that he's been diagnosed with
15 PTSD, anxiety, and panic attacks, and that he has to -- he's
16 had to be put on anxiety medicine to help prevent those
17 panic attacks. And that, you know, I have to go two or
18 three times a week to get him from school because he's had a
19 breakdown. He has to take that medicine three times a day.

20 And I know he has been in jail 618 days, but my
21 son has also suffered greatly these past 618 days. And I'm
22 just asking that you take that into consideration that this
23 is not going to go away any time soon from us. His life has
24 been forever changed by this and so has the family.

25 And I also ask that you just give him the maximum

1 possible and please give it consecutively. I don't believe
2 he deserves mercy from this court.

3 THE COURT: Ma'am, would you like to speak?

4 HELEN WILLIAMS: Yes, I'm Helen Williams. I'm
5 C.D.'s grandmother.

6 C.D. also has to take sleep medicine because of
7 the nightmares. He -- he lost his grandpa at five and he
8 was in bed with him when my husband died and then at ten
9 this happened. He told me he didn't live to be fifteen
10 because he thought something else is going to happen.

11 And I just want to say that not only did my
12 grandson's life be in jeopardy, you also about took our
13 lives, because C.D. is our life. He's the baby.

14 And like my daughter, I don't think that taking it
15 easy on him is good, because my grandson has got to live
16 like this for the rest of his life and so does my family.
17 We will never be the same.

18 And I do want to thank the jury and everybody in
19 this courtroom that has stood by us, but I'm just so glad
20 that this court deal is over.

21 THE COURT: Thank you, ma'am.

22 2017-1483, twenty years in the Department of
23 Corrections.

24 It will be consecutive to all indictments.

25 Credit for 618 days.

1 No contact with the victims.

2 2017-1483, that's the firearm. Five years

3 Department of Corrections. That would be concurrent to all
4 indictments.

5 618 days.

6 2017-1484, five years Department of Corrections.

7 Consecutive to all indictments.

8 Credit for 618 days.

9 2017-1485, Department of Corrections for five
10 years.

11 Consecutive to all indictments.

12 Credit for 618 days.

13 No contact with the victims.

14 You shot a child.

15 Good luck to you.

16 MR. KENDALL: Thank you, Your Honor.

17 (END OF REQUESTED TRANSCRIPT OF RECORD)

18

19

20

21

22

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24

25

WITNESSES

Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

2017A1110200106 - Count 1

DIRECT INDICTMENT - Count 2

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 1/16/17

VERDICT

Guilty - ASB HAN Count 1
Guilty - Count 2Foreperson of Petit Jury
Date: 1/16/2019

DOCKET NO. 17-GS-11-01483

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

Nov 16 2017

TERM

THE STATE

VS.

ALLEN CHARRON WILLIAMS, JR.

Indictment for

ATTEMPTED MURDER-COUNT ONE AND
POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME-
COUNT TWO

SC Code: 16-3-0029, 16-23-490

CDR Code: 3410, 0549

Class FEL-A, FEL/F

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2017 NOV 16 AM 10:28

BRANDY W. MCBEE

RECEIVED
JAN 28 2019
SC Court of AppealsA TRUE COPY
Brandy W. McBree
CLERK OF COURT
CHEROKEE COUNTY, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

INDICTMENT

RECEIVED

JAN 28 2019

SC Court of Appeals

At a Court of General Sessions, convened on NOV 16 2017, the
Grand Jurors of Cherokee County present upon their oath:

ATTEMPTED MURDER-COUNT ONE

That Allen Charron Williams, Jr. did in Cherokee County between May 9, 2017,
and May 10, 2017, with malice aforethought ~~either expressed or implied~~ ^{PKC}, attempt
to kill Douglas Scott Rising, by shooting at the victim, with the intent to kill the
victim, in violation of §16-03-0029, OF THE CODE OF LAWS OF SOUTH CAROLINA,
(1976, as amended).

**POSSESSION OF A WEAPON DURING
COMMISSION OF A VIOLENT CRIME-COUNT TWO**

That Allen Charon Williams, Jr. did in Cherokee County between May 9,
2017, and May 10, 2017, possess a firearm during the commission of a violent crime
as defined in Code §16-1-60, to wit: Attempted Murder, in violation of Code §16-
23-490, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
 STATE VS.
Allen Charron Williams Jr
 AKA:
 Race: BLACK Sex: M Age: 29
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2017GS1101483A/W#: 2017A1110200106Date of Offense: 5/9/2017S.C. Code § 16-03-0029CDR Code #: 3410

RECEIVED
JAN 28 2019
SC Court of Appeals

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Assault/Battery of a High and Aggravated Nature (0-20)

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)
 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] SCB77213 [Signature] SCB78108
KENDALL, MATT SC Bar# [Signature] Defendant Moore, Travis A. Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
 of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ — plus 20% fee: \$ —

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$ —
 §14-1-206 (Assessments 107.5%) \$ —
 §14-1-211(A)(1) (Conv. Surcharge) \$100 \$ —
 §14-1-211(A)(2) (DUI Surcharge) \$100 \$ —
 §56-5-2995 (DUI Assessment) \$12 \$ —
 §56-1-285 (DUI Breath Test) \$25 \$ —
 Proviso (Public Def/Probation) \$500 \$ —
 §14-1-212 (Law Enforce. Funding) \$25 \$ —
 §14-1-213 (Drug Court Surcharge) \$150 \$ —
 §50-21-114(BUI Breath Test Fee) \$50 \$ —
 §56-5-2942(I) (Vehicle Assessment) \$40/ea \$ —
 3% to County (if paid in installments) \$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ — beginning\$ — paid to Public Defender FundOther: NO Contact Victims

☐ Appointed PD or appointed other counsel,
 Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge

Judge Code:

Sentence Date:

[Signature]
2105
1.10.2019

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Cherokee

VS.

Allen Charron Williams Jr

AKA:

Race: BLACK Sex: M Age: 29

DOB: SS#:

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Assault/Battery-1st degree (0-10y, 1)

in violation of § 16-03-0600(CX1) of the S.C. Code of Laws, bearing CDR Code # 3412

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

KENDALL, MATT

SCB77213

SC Bar#

Defendant

Moore, Travis A.
Attorney for Defendant

SCB78108

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☒ CONSECUTIVE to sentence on: all indictments☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: \$ §14-1-206 (Assessments 107.5 %) \$ §14-1-211(A)(1) (Conv. Surcharge) \$100 \$ §14-1-211(A)(2) (DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso (Public Def/Probation) \$500 \$ §14-1-212 (Law Enforce. Funding) \$25 \$ §14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114(BUI Breath Test Fee) \$50 \$ §56-5-2942(I) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ 3.75TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

INDICTMENT/CASE#: 2017GS1101484

A/V#: 2017A1110200107

Date of Offense: 5/9/2017

S.C. Code § : 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

SC Court of Appeals

☒ CONVICTED OF or ☐ PLEADSObtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther: NO Contact Victim☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

1.11.2019

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF: Cherokee
 STATE: VS.
Allen Charron Williams Jr
 AKA: _____
 Race: BLACK Sex: M Age: 29
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 DL#: _____ SID#: _____

INDICTMENT/CASE#: 2017GS1048A/W#: 2017A1110200108Date of Offense: 5/9/2017S.C. Code §: 16-03-0029CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

KENDALL, MATT SCB77213 SC Bar# SCB78108
 Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
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SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine: _____ \$
 §14-1-206 (Assessments 107.5 %) _____ \$
 §14-1-211(A)(1) (Conv. Surcharge) \$100 \$
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 Proviso (Public Def/Probation) \$500 \$
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 §50-21-114(BUI Breath Test Fee) \$50 \$
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$
 3% to County (if paid in installments) \$ 3.75

TOTAL

\$128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (04/2018)

Presiding Judge

Judge Code:

Sentence Date:

☐ Appointed PD or appointed other counsel,
 Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

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 JAN 28 2019
 SC Court of Appeals

Obtain GED ☐
 Attend Voc. Rehab. or Job Corp. ☐
 May serve W/E beginning _____
 Substance Abuse Counseling ☐
 Random Drug/Alcohol testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: NO contact victim

Presiding Judge

Judge Code:

Sentence Date:

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”

Respectfully Submitted,

s/ Sarah E. Shipe

Sarah E. Shipe
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED
Jun 24 2020
SC Court of Appeals

This 24th day of June, 2020.